

OFFICIAL LOG OF THE BK. WANDERER OF NEW BEDFORD

1910

Aug. 20th.      Lat. 3500 N  
                    Lon. 42.00 W

Jerome Loper died at 2.30 this morning  
been sick with consumption since leaveing home. We have  
had him aft in the house on deck and have done every thing we  
could to make him comfertable. He has had two Hemorrhage.  
The last one this morning took him off very quickly.

T. H. Jenkins

1910

Nov 10

Manuel Frank left the ship without permission  
at between the hours of 6 and 8 P.M. and stayed on shore all  
night      came on board next morning      at half past seven for  
which I fine him ten dollars.

Thomas McKenzie Master

Mr. Johns first mate

John Andrews      sec mate  
                    (his<sup>X</sup> mark)







Aug. 25. 1912      Lat. 34-54 N  
Long. 45 - 30 W

Antone B. Loper, seaman died at 4.15 A.M.  
He was struck by a whale's flukes last night about 9.30 P.M.  
Got him on board as soon as possible. His chest was broken in  
and he was bleeding from the lungs. He never came to after  
being struck. Buried him at 8. oclock this morning. Manuel  
Francisco Soares seaman had his back badly injured by the same  
whale, and was in considerable pain when brought aboard, but  
is resting more comfortably at present. Made him a bed in the  
After Cabin.

L. A. Mosher.	Master
Maurice John	1st officer
Henry Peters	Boatheader

Aug. 30.      Lat. 36-30 N  
Long. 38-46 W

Sold clothing of Antone B. Loper at auction. He had  
1 pair new pants      1 pair old pants      a cap      and a  
few old clothes. Total amount received.      \$1.70

1 pair pants	.70	Antone de Souza
1 pair pants	.75	Antone Peter Duarte
1 cap	.25	

L. A. Mosher	Master
Maurice John	1st mate
Henry Peters	Boatheader







706

# OFFICIAL LOG-BOOK

Mercantile Marine of the United States

Department of Commerce and Labor

BUREAU OF NAVIGATION

SHIPPING SERVICE

Vessel

*Bank Standard*

SUPPLIED TO MASTERS GRATUITOUSLY

11-520



50  
yph

Old Dartmouth  
Historical Society



NBW 1372

GIFT OF

Dr. Sidney W. Rosen

2002.8

55 54 53 52 51 50

Department of Commerce and Labor

BUREAU OF NAVIGATION

SHIPPING SERVICE

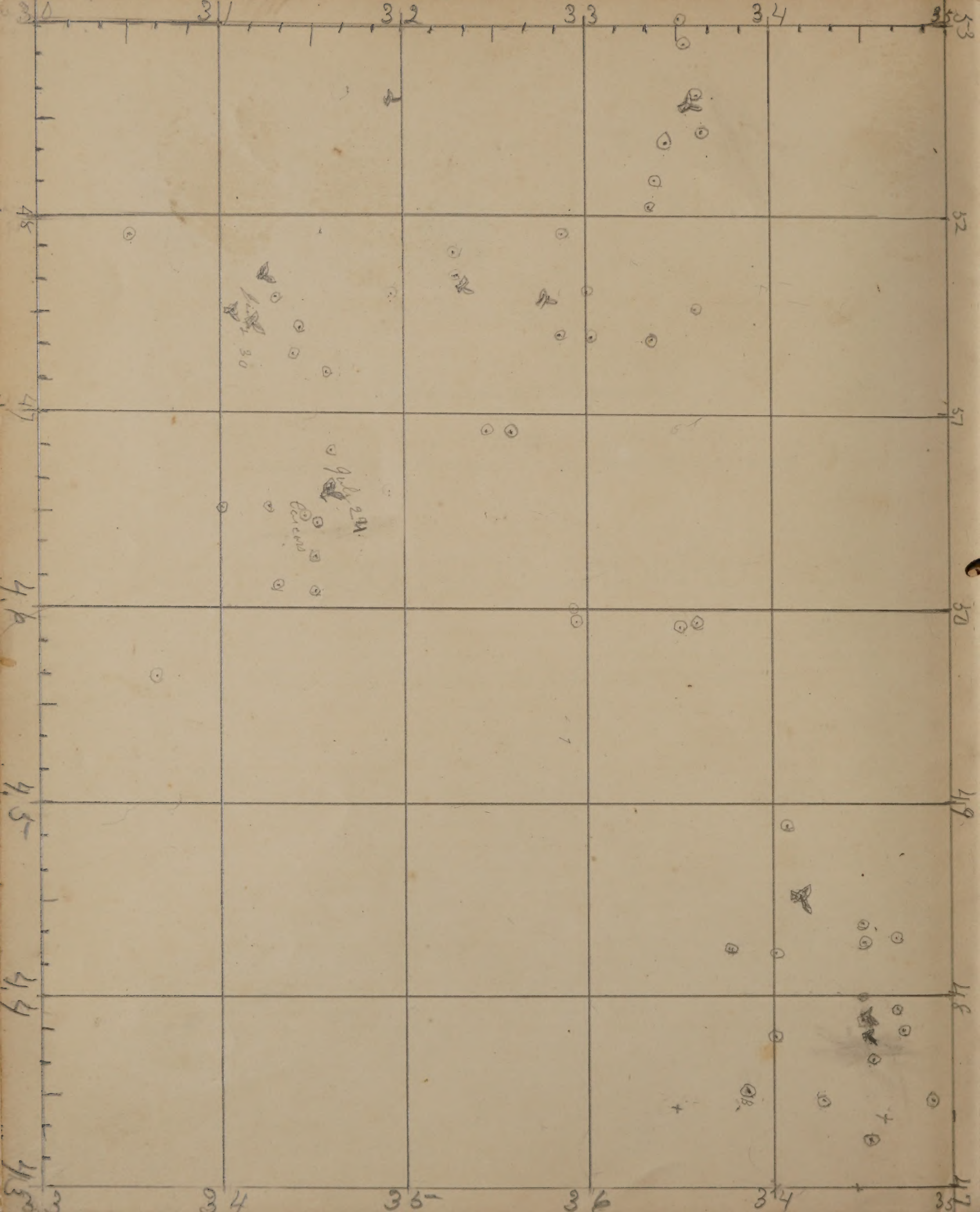
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# OFFICIAL LOG-BOOK

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# OFFICIAL LOG-BOOK.

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SUPPLIED GRATUITOUSLY BY THE GOVERNMENT OF THE UNITED STATES TO AMERICAN  
VESSELS IN THE FOREIGN TRADE AND THE TRADE BETWEEN THE  
ATLANTIC AND PACIFIC PORTS OF THE UNITED STATES.

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## ACTS OF CONGRESS.

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### LOG-BOOKS.

SEC. 4290. Every vessel making voyages from a port in the United States to any foreign port (except ports in the British North American possessions), or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or *vice versa*, shall have an official log-book; and every master of such vessel shall make, or cause to be made therein, entries of the following matters, that is to say:

*First.* Every legal conviction of any member of his crew, and the punishment inflicted.

*Second.* Every offense committed by any member of his crew for which it is intended to prosecute or to enforce a forfeiture, together with such statement concerning the reading over such entry, and concerning the reply, if any, made to the charge, as is required by the provisions of section forty-five hundred and ninety-seven.

*Third.* Every offense for which punishment is inflicted on board, and the punishment inflicted.

*Fourth.* A statement of the conduct, character, and qualifications of each of his crew; or a statement that he declines to give an opinion of such particulars.

*Fifth.* Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment.

*Sixth.* Every case of death happening on board, with the cause thereof.

*Seventh.* Every birth happening on board, with the sex of the infant, and the names of the parents.

*Eighth.* Every marriage taking place on board, with the names and ages of the parties.

*Ninth.* The name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner, and cause thereof.

*Tenth.* The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom.

*Eleventh.* The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and the sum received for it.

*Twelfth.* In every case of collision in which it is practicable so to do, the master shall, immediately after the occurrence, cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log-book. Such entry shall be made in the manner prescribed in section forty-two hundred and ninety-one, and failure to make such entry shall subject the offender to the penalties prescribed by section forty-two hundred and ninety-two.



SEC. 4291. Every entry hereby required to be made in the official log-book shall be signed by the master and by the mate, or some other one of the crew, and every entry in the official log-book shall be made as soon as possible after the occurrence to which it relates, and, if not made on the same day as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence, and of the entry respecting it; and in no case shall any entry therein, in respect of any occurrence happening previously to the arrival of the vessel at her final port, be made more than twenty-four hours after such arrival.

SEC. 4292. If in any case the official log-book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log-book is not made at the time and in the manner hereby directed, the master shall, for each such offense, be liable to a penalty of not more than twenty-five dollars; and every person who makes, or procures to be made, or assists in making, any entry in any official log-book in respect of any occurrence happening previously to the arrival of the vessel at her final port of discharge, more than twenty-four hours after such arrival, shall, for each offense, be liable to a penalty of not more than one hundred and fifty dollars.

SEC. 4131 R. S. Vessels registered pursuant to law and no others, except such as shall be duly qualified according to law for carrying on the coasting or fishing trade, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but no such vessel shall enjoy such benefits and privileges longer than it shall continue to be wholly owned by a citizen or citizens of the United States or a corporation created under the laws of any of the States thereof, and be commanded by a citizen of the United States. And all the officers of vessels of the United States who shall have charge of a watch, including pilots, shall in all cases be citizens of the United States, except that in cases where, on a foreign voyage, or on a voyage from an Atlantic to a Pacific port of the United States, any such vessel is for any reason deprived of the services of an officer below the grade of master, his place, or a vacancy caused by the promotion of another officer to such place, may be supplied by a person not a citizen of the United States until the first return of such vessel to its home port; and such vessel shall not be liable to any penalty or penal tax for such employment of an alien officer. The word "officers" shall include the chief engineer and each assistant engineer in charge of a watch on vessels propelled wholly or in part by steam; and after the first day of January, eighteen hundred and ninety-seven, no person shall be qualified to hold a license as a commander or watch officer of a merchant vessel of the United States who is not a native-born citizen, or whose naturalization as a citizen shall not have been fully completed.

SEC. 2. Act May 28, 1896. All licenses issued to such officers shall be for a term of five years, but the holder of a license may have the same renewed for another five years at any time before its expiration:

*Provided, however,* That any officer holding a license, and who is engaged in a service which necessitates his continuous absence from the United States, may make application in writing for one renewal and transmit the same to the board of local inspectors with a statement of the applicant verified before a consul, or other officer of the United States authorized to administer an oath, setting forth the reasons for not appearing in person; and upon receiving the same the board of local inspectors that originally issued such license shall renew the same for one additional term of such license, and shall notify the applicant of such renewal. And in all cases where the issue is the suspension or revocation of such licenses, whether before the local boards of inspectors [of steam vessels] as provided for in section forty-four hundred and fifty of the Revised Statutes, or before the supervising inspector as provided for in section forty-four hundred and fifty-two of the Revised Statutes, the accused shall be allowed to appear by counsel and to testify in his own behalf.

No master, mate, pilot, or engineer of steam vessels licensed under Title Fifty-two [R. S. 4399-4500] of the Revised Statutes shall be liable to draft in time of war, except for the performance of duties such as required by his license; and, while performing such duties in the service of the United States, every such master, mate, pilot, or engineer shall be entitled to the highest rate of wages paid in the merchant marine of the United States for similar services; and, if killed or wounded while performing such duties under the United States, they, or their heirs, or their legal representatives shall be entitled to all the privileges accorded to soldiers and sailors serving in the Army and Navy, under the pension laws of the United States.

Act March 23, 1900. Every applicant for license as either master, mate, pilot, or engineer under the provisions of this Title [R. S. 4399-4500] shall make and subscribe to an oath or affirmation, before one of the inspectors referred to in this Title, to the truth of all the statements set forth in his application for such license.

Any person who shall make or subscribe to any oath or affirmation authorized in this Title and knowing the same to be false shall be deemed guilty of perjury.

Every licensed master, mate, pilot, or engineer who shall change, by addition, interpolation, or erasure of any kind, any certificate or license issued by any inspector or inspectors referred to in this Title shall, for every such offense, upon conviction, be punished by a fine of not more than five hundred dollars or by imprisonment at hard labor for a term not exceeding three years.

## BUREAU OF NAVIGATION.

(Acts July 5, 1884, and February 14, 1903.)

SEC. 2. The Commissioner of Navigation, under the direction of the Secretary of Commerce and Labor, shall have general superintendence of the commercial marine and merchant seamen of the United States, so far as vessels and seamen are not, under existing laws, subject to the supervision of any other officer of the Government. \* \* \*



## MERCHANT SEAMEN.

SEC. 4501. The Secretary of Commerce and Labor shall appoint a commissioner for each port of entry, which is also a port of ocean navigation, and which, in his judgment, may require the same; such commissioner to be termed a shipping commissioner, and may, from time to time, remove from office any such commissioner whom he may have reason to believe does not properly perform his duty, and shall then provide for the proper performance of his duties until another person is duly appointed in his place: *Provided*, That shipping commissioners now in office shall continue to perform the duties thereof until others shall be appointed in their places. Shipping commissioners shall monthly render a full, exact, and itemized account of their receipts and expenditures to the Secretary of Commerce and Labor, who shall determine their compensation, and shall from time to time determine the number and compensation of the clerks appointed by such commissioner, with the approval of the Secretary of Commerce and Labor, subject to the limitations now fixed by law. The Secretary of Commerce and Labor shall regulate the mode of conducting business in the shipping offices to be established by the shipping commissioners as hereinafter provided, and shall have full and complete control over the same, subject to the provisions herein contained; and all expenditures by shipping commissioners shall be audited and adjusted in the Treasury Department in the mode and manner provided for expenditures in the collection of customs. \* \* \* (Section 1, Act June 19, 1886; Act February 14, 1903.)

SEC. 4503. In any port in which no shipping commissioner shall have been appointed, the whole or any part of the business of a shipping commissioner shall be conducted by the collector or deputy collector of customs of such port; and in respect of such business such custom-house shall be deemed a shipping office, and the collector or deputy collector of customs to whom such business shall be committed, shall, for all purposes, be deemed a shipping commissioner within the meaning of this Title [R. S. 4501-4613].

SEC. 4504. Any person other than a commissioner under this Title who shall perform or attempt to perform, either directly or indirectly, the duties which are by this Title set forth as pertaining to a shipping commissioner, shall be liable to a penalty of not more than five hundred dollars. Nothing in this Title [R. S. 4501-4613], however, shall prevent the owner, or consignee, or master of any vessel except vessels bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the Republic of Mexico, and vessels of the burden of seventy-five tons or upward bound from a port on the Atlantic to a port on the Pacific, or *vice versa*, from performing, himself, so far as his vessel is concerned, the duties of shipping commissioner under this Title. Whenever the master of any vessel shall engage his crew, or any part of the same, in any collection district where no shipping commissioner shall have been appointed, he may perform for himself the duties of such commissioner.

SEC. 4506. Each shipping commissioner shall provide a seal with which he shall authenticate all his official acts, on which seal shall be engraved the arms of the United States, and the name of the port or district for which he is commissioned. Any instrument, either printed or written, purporting to be the official act of a shipping commissioner, and purporting to be under the seal and signature of such shipping commissioner, shall be received as presumptive evidence of the official character of such instrument, and of the truth of the facts therein set forth.

SEC. 4508. The general duties of a shipping commissioner shall be:

- 1st. To afford facilities for engaging seamen by keeping a register of their names and characters.
- 2d. To superintend their engagement and discharge, in manner prescribed by law.
- 3d. To provide means for securing the presence on board at the proper times of men who are so engaged.
- 4th. To facilitate the making of apprenticeships to the sea service.
- 5th. To perform such other duties relating to merchant seamen or merchant ships as are now or may hereafter be required by law.

## SHIPMENT.

SEC. 4509. Every shipping commissioner appointed under this Title [R. S. 4501-4613] shall, if applied to for the purpose of apprenticing boys to the sea service, by any master or owner of a vessel, or by any person legally qualified, give such assistance as is in his power for facilitating the making of such apprenticeships; but the shipping commissioner shall ascertain that the boy has voluntarily consented to be bound, and that the parents or guardian of such boy have consented to such apprenticeship, and that he has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom such boy is to be bound is a proper person for the purpose. Such apprenticeship shall terminate when the apprentice becomes eighteen years of age. The shipping commissioner shall keep a register of all indentures of apprenticeship made before him.

SEC. 4510. The master of every foreign-going vessel shall, before carrying any apprentice to sea from any place in the United States, cause such apprentice to appear before the shipping commissioner before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof, if any; and the name of the apprentice, with the date of the indenture and of the assignment or assignments thereof, if any, shall be entered on the agreement; which shall be in the form as near as may be given in the table marked "A" in the schedule annexed to this Title [R. S. 4501-4613]; and no such assignment shall be made without the approval of a commissioner, of the apprentice, and of his parents or his guardian. For any violation of this section the master shall be liable to a penalty of not more than one hundred dollars.

SEC. 4511. The master of every vessel bound from a port in the United States to any foreign port other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the Republic of Mexico, or of any vessel of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or *vice versa*, shall, before he proceeds on such voyage, make an agreement, in writing or in print, with every seaman whom he carries to sea as one of the crew, in the manner hereinafter men-



tioned; and every such agreement shall be, as near as may be, in the form given in the table marked A, in the schedule annexed to this Title [R. S. 4501-4613], and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars:

1st. The nature and, as far as practicable, the duration of the intended voyage or engagement, and the port or country at which the voyage is to terminate.

2d. The number and description of the crew, specifying their respective employments.

3d. The time at which each seaman is to be on board to begin work.

4th. The capacity in which each seaman is to serve.

5th. The amount of wages which each seaman is to receive.

6th. A scale of the provisions which are to be furnished to each seaman.

7th. Any regulations as to conduct on board and as to fines, short allowances of provisions, or other lawful punishments for misconduct, which may be sanctioned by Congress or authorized by the Secretary of Commerce and Labor, not contrary to or not otherwise provided for by law (Act March 3, 1897, and Act February 14, 1903), as proper to be adopted, which the parties agree to adopt.

8th. Any stipulations in reference to allotment of wages, or other matters not contrary to law. (Does not relate to domestic trade, as defined by sec. 25, Act of December 21, 1898.)

SEC. 4512. The following rules shall be observed with respect to agreements:

1st. Every agreement, except such as are otherwise specially provided for, shall be signed by each seaman in the presence of a shipping commissioner.

2d. When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping commissioner, and the other part shall contain a special place or form for the description and signatures of the persons engaged subsequently to the first departure of the ship, and shall be delivered to the master.

3d. Every agreement entered into before a shipping commissioner shall be acknowledged and certified under the hand and official seal of such commissioner. The certificate of acknowledgment shall be indorsed on or annexed to the agreement; and shall be in the following form:

"State of ———, County of ———:

"On this ——— day of ———, personally appeared before me, a shipping commissioner in and for the said county, A. B., C. D., and E. F., severally known to me to be the same persons who executed the foregoing instrument, who each for himself acknowledged to me that he had read or had heard read the same; that he was by me made acquainted with the conditions thereof, and understood the same; and that, while sober and not in a state of intoxication, he signed it freely and voluntarily, for the uses and purposes therein mentioned."

SEC. 2. Shipping commissioners may ship and discharge crews for any vessel engaged in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or the Republic of Mexico, at the request of the master or owner of such vessel, the shipping and discharging fees in such cases to be one-half that prescribed by section forty-six hundred and twelve of the Revised Statutes, for the purpose of determining the compensation of shipping commissioners. (Act June 19, 1886.)

SEC. 4513. Section forty-five hundred and eleven shall not apply to masters of vessels where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage, nor to masters of coastwise nor to masters of lake-going vessels that touch at foreign ports; but seamen may, by agreement, serve on board such vessels a definite time, or, on the return of any vessel to a port in the United States, may reshup and sail in the same vessel on another voyage, without the payment of additional fees to the shipping commissioner. [NOTE.—Section 4511, however, does apply in part to masters of coastwise vessels whose crews are shipped under provisions of the Act of February 18, 1895.]

SEC. 4514. If any person shall be carried to sea, as one of the crew on board of any vessel making a voyage as hereinbefore specified, without entering into an agreement with the master of such vessel, in the form and manner, and at the place and times in such cases required, the vessel shall be held liable for each such offense to a penalty of not more than two hundred dollars. But the vessel shall not be held liable for any person carried to sea, who shall have secretly stowed away himself without the knowledge of the master, mate, or of any of the officers of the vessel, or who shall have falsely personated himself to the master, mate, or officers of the vessel, for the purpose of being carried to sea.

SEC. 4515. If any master, mate, or other officer of a vessel knowingly receives, or accepts, to be entered on board of any merchant vessel, any seaman who has been engaged or supplied contrary to the provisions of this Title [R. S. 4501-4613], the vessel on board of which such seaman shall be found shall, for every such seaman, be liable to a penalty of not more than two hundred dollars.

SEC. 4516. In case of desertion or casualty resulting in the loss of one or more seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or rating and equally expert with those whose place or position they refill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

SEC. 4517. Every master of a merchant vessel who engages any seaman at a place out of the United States in which there is a consular officer or commercial agent, shall, before carrying such seamen to sea, procure the sanction of such officer, and shall engage seamen in his presence; and the rules governing the engagement of seamen before a shipping commissioner in the United States, shall apply to such engagements made before a consular officer or



commercial agent; and upon every such engagement the consular officer or commercial agent shall indorse upon the agreement his sanction thereof, and an attestation to the effect that the same has been signed in his presence, and otherwise duly made.

SEC. 4518. Every master who engages any seaman in any place in which there is a consular officer or commercial agent, otherwise than as required by the preceding section, shall incur a penalty of not more than one hundred dollars, for which penalty the vessel shall be held liable.

SEC. 4519. The master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement, omitting signatures, to be placed or posted up in such part of the vessel as to be accessible to the crew; and on default shall be liable to a penalty of not more than one hundred dollars.

SEC. 4520. Every master of any vessel of the burden of fifty tons or upward, bound from a port in one State to a port in any other than an adjoining State, except vessels of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or *vice versa*, shall, before he proceeds on such voyage, make an agreement in writing or in print, with every seaman on board such vessel except such as shall be apprentice or servant to himself or owners, declaring the voyage or term of time for which such seaman shall be shipped.

SEC. 4521. If any master of such vessel of the burden of fifty tons or upward shall carry out any seaman or mariner, except apprentices or servants, without such contract or agreement being first made and signed by the seamen, such master shall pay to every such seaman the highest price or wages which shall have been given at the port or place where such seaman was shipped, for a similar voyage, within three months next before the time of such shipping, if such seaman shall perform such voyage; or if not, then for such time as he shall continue to do duty on board such vessel; and shall moreover be liable to a penalty of twenty dollars for every such seaman, recoverable, one-half to the use of the person prosecuting for the same, and the other half to the use of the United States. Any seaman who has not signed such a contract shall not be bound by the regulations nor subject to the penalties and forfeitures contained in this Title [R. S. 4501-4613].

SEC. 4522. At the foot of every such contract to ship upon such a vessel of the burden of fifty tons or upward there shall be a memorandum in writing of the day and the hour when such seaman who shipped and subscribed shall render himself on board to begin the voyage agreed upon. If any seaman shall neglect to render himself on board the vessel for which he has shipped at the time mentioned in such memorandum without giving twenty-four hours' notice of his inability to do so, and if the master of the vessel shall, on the day in which such neglect happened, make an entry in the log-book of such vessel of the name of such seaman, and shall in like manner note the time that he so neglected to render himself after the time appointed, then every such seaman shall forfeit for every hour which he shall so neglect to render himself one-half of one day's pay, according to the rate of wages agreed upon, to be deducted out of the wages. If any such seaman shall wholly neglect to render himself on board of such vessel, or having rendered himself on board shall afterwards desert, he shall forfeit all of his wages or emoluments which he has then earned. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

SEC. 4523. All shipments of seamen made contrary to the provisions of any act of Congress shall be void; and any seaman so shipped may leave the service at any time, and shall be entitled to recover the highest rate of wages of the port from which the seaman was shipped, or the sum agreed to be given him at his shipment.

#### WAGES AND EFFECTS.

SEC. 4524. A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

SEC. 4525. No right to wages shall be dependent on the earning of freight by the vessel; but every seaman or apprentice who would be entitled to demand and receive any wages if the vessel on which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same of the master or owner *in personam*, notwithstanding that freight has not been earned. But in all cases of wreck or loss of vessel, proof that any seaman or apprentice has not exerted himself to the utmost to save the vessel, cargo, and stores, shall bar his claim.

SEC. 4526. In cases where the service of any seaman terminates before the period contemplated in the agreement, by reason of the loss or wreck of the vessel, such seaman shall be entitled to wages for the time of service prior to such termination, but not for any further period. Such seaman shall be considered as a destitute seaman and shall be treated and transported to port of shipment as provided in sections forty-five hundred and seventy-seven, forty-five hundred and seventy-eight, and forty-five hundred and seventy-nine of the Revised Statutes of the United States. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

SEC. 4527. Any seaman who has signed an agreement and is afterward discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, a sum equal in amount to one month's wages as compensation, and may, on adducing evidence satisfactory to the court hearing the case, of having been improperly discharged, recover such compensation as if it were wages duly earned.

SEC. 4528. No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, after the time fixed by the agreement for him to begin work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offense committed by him.

SEC. 4529. The master or owner of any vessel making coasting voyages shall pay to every seaman his wages within two days after the termination of the agreement under which he shipped, or at the time such seaman is



discharged, whichever first happens; and in the case of vessels making foreign voyages, or from a port on the Atlantic to a port on the Pacific, or *vice versa*, within twenty-four hours after the cargo has been discharged, or within four days after the seaman has been discharged, whichever first happens; and in all cases the seaman shall, at the time of his discharge, be entitled to be paid, on account of wages, a sum equal to one-third part of the balance due him. Every master or owner who refuses or neglects to make payment in manner hereinbefore mentioned without sufficient cause shall pay to the seaman a sum equal to one day's pay for each and every day during which payment is delayed beyond the respective periods, which sum shall be recoverable as wages in any claim made before the court; but this section shall not apply to the masters or owners of any vessel the seamen on which are entitled to share in the profits of the cruise or voyage. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

SEC. 4530. Every seaman on a vessel of the United States shall be entitled to receive from the master of the vessel to which he belongs one-half part of the wages which shall be due him at every port where such vessel, after the voyage has commenced, shall load or deliver cargo before the voyage is ended unless the contrary be expressly stipulated in the contract; and when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall then be due him as provided in section forty-five hundred and twenty-nine of the Revised Statutes. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

SEC. 4535. No seaman shall, by any agreement other than is provided by this Title [R. S. 4501-4613], forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provisions of this Title, and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.

SEC. 4536. No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court; and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages, or of any attachment, incumbrance, or arrestment thereon; and no assignment or sale of wages, or of salvage, made prior to the accruing thereof, shall bind the party making the same, except such advance securities as are authorized by this Title [R. S. 4501-4613.] [The clothing of any seaman shall be exempt from attachment, and any person who shall detain such clothing when demanded by the owner shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than six months or fined not more than five hundred dollars, or both. (Acts February 18, 1895, and April 11, 1904.)]

SEC. 4537. No sum exceeding one dollar shall be recoverable from any seaman, by any one person, for any debt contracted during the time such seaman shall actually belong to any vessel, until the voyage for which such seaman engaged shall be ended.

SEC. 4538. Whenever any seaman or apprentice belonging to or sent home on any merchant vessel, whether a foreign-going or domestic vessel, employed on a voyage which is to terminate in the United States, dies during such voyage, the master shall take charge of all moneys, clothes, and effects which he leaves on board, and shall, if he thinks fit, cause all or any of such clothes and effects to be sold by auction at the mast or other public auction, and shall thereupon sign an entry in the official log-book, and cause it to be attested by the mate and one of the crew, containing the following particulars:

- 1st. A statement of the amount of money so left by the deceased.
- 2d. In case of a sale, a description of each article sold, and the sum received for each.
- 3d. A statement of the sum due to deceased as wages, and the total amount of deductions, if any, to be made therefrom.

SEC. 4539. In cases embraced by the preceding section, the following rules shall be observed:

1st. If the vessel proceeds at once to any port in the United States, the master shall, within forty-eight hours after his arrival, deliver any such effects remaining unsold, and pay any money which he has taken charge of, or received from such sale, and the balance of wages due to the deceased, to the shipping commissioner at the port of destination in the United States.

2d. If the vessel touches and remains at some foreign port before coming to any port in the United States, the master shall report the case to the United States consular officer there, and shall give to such officer any information he requires as to the destination of the vessel and probable length of the voyage; and such officer may, if he considers it expedient so to do, require the effects, money, and wages to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt; and the master shall within forty-eight hours after his arrival at his port of destination in the United States produce the same to the shipping commissioner there. Such consular officer shall, in any such case, indorse and certify upon the agreement with the crew the particulars with respect to such delivery and payment.

3d. If the consular officer does not require such payment and delivery to be made to him, the master shall take charge of the effects, money, and wages, and shall, within forty-eight hours after his arrival at his port of destination in the United States, deliver and pay the same to the shipping commissioner there.

4th. The master shall, in all cases in which any seaman or apprentice dies during the voyage or engagement, give to such officer or shipping commissioner an account, in such form as they may respectively require, of the effects, money, and wages so to be delivered and paid; and no deductions claimed in such accounts shall be allowed unless verified by an entry in the official log-book, if there be any; and by such other vouchers, if any, as may be reasonably required by the officer or shipping commissioner to whom the account is rendered.

5th. Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the United States, the shipping commissioner shall grant to the master a certificate to that effect. No officer of customs shall clear any foreign-going vessel without the production of such certificate.



SEC. 4540. Whenever any master fails to take such charge of the money or other effects of a seaman or apprentice during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any seaman or apprentice dying during the voyage, or to give such account in respect thereof as is above directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the circuit court in whose jurisdiction such port of destination is situate, and shall pay and deliver the same accordingly; and he shall, in addition, for every such offense, be liable to a penalty of not more than treble the value of the money or effects, or, if such value is not ascertained, not more than two hundred dollars; and if any such money, wages, or effects are not duly paid, delivered, and accounted for by the master, the owner of the vessel shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the money and value, be liable to the same penalty which is incurred by the master for a like offense; and all money, wages, and effects of any seaman or apprentice dying during the voyage shall be recoverable in the courts and by the modes of proceeding by which seamen are enabled to recover wages due to them.

SEC. 4541. Whenever any such seaman or apprentice dies at any place out of the United States, leaving any money or effects not on board of his vessel, the consular officer of the United States at or nearest the place shall claim and take charge of such money and effects, and shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions of this Title [R. S. 4501-4613], and shall quarterly remit to the circuit court for the circuit embracing the port from which such vessel sailed, or the port where the voyage terminates, all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seamen or apprentices which have come to his hands; and shall render such accounts thereof as the circuit court requires. (Act March 3, 1897.)

SEC. 4542. Whenever any seaman or apprentice dies in the United States, and is, at the time of his death, entitled to claim from the master or owner of any vessel in which he has served, any unpaid wages or effects, such master or owner shall pay and deliver, or account for the same, to the shipping commissioner at the port where the seaman or apprentice was discharged, or was to have been discharged, or where he died. (Act March 3, 1897.)

SEC. 4543. Every shipping commissioner in the United States shall, within one week from the date of receiving any such money, wages, or effects of any deceased seamen or apprentice, pay, remit, or deliver to the circuit court of the circuit in which he resides, the money, wages, or effects, subject to such deductions as may be allowed by the circuit court for expenses incurred in respect to such money and effects; and should any commissioner fail to pay, remit, and deliver the same to the circuit court, within the time hereinbefore mentioned, he shall incur a penalty of not more than treble the value of such money and effects.

SEC. 4544. If the money and effects of any seaman or apprentice paid, remitted, or delivered to the circuit court, including the moneys received for any part of his effects which have been sold, either before delivery to the circuit court, or by its directions, do not exceed in value the sum of three hundred dollars, then, subject to the provisions hereinafter contained, and to all such deductions for expenses incurred in respect to the seaman or apprentice, or of his money and effects, as the said court thinks fit to allow, the court may pay and deliver the said money and effects to any claimants who can prove themselves either to be his widow or children, or to be entitled to the effects of the deceased under his will, or under any statute, or at common law, or to be entitled to procure probate, or take out letters of administration or confirmation, although no probate or letters of administration or confirmation have been taken out, and shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered; or may, if it thinks fit so to do, require probate, or letters of administration or confirmation, to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased; and if such money and effects exceed in value the sum of three hundred dollars, then, subject to deductions for expenses, the court shall pay and deliver the same to the legal personal representatives of the deceased. (Sale of effects, see Act March 3, 1897.)

SEC. 4545. A circuit court, in its discretion, may at any time direct the sale of the whole or any part of the effects of a deceased seaman or apprentice, which it has received or may hereafter receive, and shall hold the proceeds of such sale as the wages of deceased seamen are held. When no claim to the wages or effects or proceeds of the sale of the effects of a deceased seaman or apprentice, received by a circuit court, is substantiated within six years after the receipt thereof by the court, it shall be in the absolute discretion of the court, if any subsequent claim is made, either to allow or refuse the same. Such courts shall, from time to time, pay any moneys arising from the unclaimed wages and effects of deceased seamen, which in their opinion it is not necessary to retain for the purpose of satisfying claims, into the Treasury of the United States, and such moneys shall form a fund for, and be appropriated to, the relief of sick and disabled and destitute seamen belonging to the United States merchant marine service.

SEC. 4546. Whenever the wages of any seamen are not paid within ten days after the time when the same ought to be paid according to the provisions of this Title [R. S. 4501-4613], or any dispute arising between the master and seamen touching wages, the district judge for the judicial district where the vessel is, or in case his residence be more than three miles from the place, or he be absent from the place of his residence, then, any judge or justice of the peace, or any commissioner of a district court, may summon the master of such vessel to appear before him, to show cause why process should not issue against such vessel, her tackle, apparel, and furniture, according to the course of admiralty courts, to answer for the wages.

SEC. 4547. If the master against whom such summons is issued neglects to appear, or, appearing, does not show that the wages are paid or otherwise satisfied or forfeited, and if the matter in dispute is not forthwith settled, the judge or justice or commissioner shall certify to the clerk of the district court that there is sufficient cause of



complaint whereon to found admiralty process; and thereupon the clerk of such court shall issue process against the vessel. In all cases where the matter in demand does not exceed one hundred dollars the return day of the monition or citation shall be the first day of a stated or special session of court next succeeding the third day after the service of the monition or citation, and on the return of process in open court, duly served, either party may proceed therein to proofs and hearing without other notice, and final judgment shall be given according to the usual course of admiralty courts in such cases. In such suits all the seamen having cause of complaint of the like kind against the same vessel may be joined as complainants, and it shall be incumbent on the master to produce the contract and log-book, if required to ascertain any matter in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the burden of proof of the contrary shall be on the master. But nothing herein contained shall prevent any seaman from maintaining any action at common law for the recovery of his wages, or having immediate process out of any court having admiralty jurisdiction wherever any vessel may be found, in case she shall have left the port of delivery where her voyage ended before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the day when such wages are due, in accordance with section forty-five hundred and twenty-nine of the Revised Statutes. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

SEC. 4548. Moneys paid under the laws of the United States, by direction of consular officers or agents of any foreign port or place, as wages, extra or otherwise, due American seamen, shall be paid in gold or its equivalent, without any deduction whatever, any contract to the contrary notwithstanding.

#### DISCHARGE.

SEC. 4549. All seamen discharged in the United States from merchant vessels engaged in voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or *vice versa*, shall be discharged and receive their wages in the presence of a duly authorized shipping commissioner under this Title [R. S. 4501-4613], except in cases where some competent court otherwise directs; and any master or owner of any such vessel who discharges any such seaman belonging thereto, or pays his wages within the United States in any other manner, shall be liable to a penalty of not more than fifty dollars.

SEC. 4550. Every master shall, not less than forty-eight hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a shipping commissioner, to such shipping commissioner, a full and true account of his wages, and all deductions to be made therefrom on any account whatsoever; and in default shall, for each offense, be liable to a penalty of not more than fifty dollars. No deduction from the wages of any seaman except in respect of some matter happening after such delivery shall be allowed, unless it is included in the account delivered; and the master shall, during the voyage, enter the various matters in respect to which such deductions are made, with the amounts of the respective deductions as they occur, in the official log-book, and shall if required, produce such book at the time of the payment of wages, and, also, upon the hearing, before any competent authority, of any complaint or question relating to such payment.

SEC. 4551. Upon the discharge of any seaman, or upon payment of his wages, the master shall sign and give him a certificate of discharge, specifying the period of his service and the time and place of his discharge, in the form marked Table B in the schedule annexed to this Title [R. S. 4501-4613]; and every master who fails to sign and give to such seaman such certificate and discharge, shall, for each such offense, incur a penalty not exceeding fifty dollars. But whenever the master shall discharge his crew or any part thereof in any collection district, where no shipping commissioner has been appointed, he may perform for himself the duties of such commissioner.

SEC. 4552. The following rules shall be observed with respect to the settlement of wages:

1st. Upon the completion, before a shipping commissioner, of any discharge and settlement, the master or owner and each seaman, respectively, in the presence of the shipping commissioner, shall sign a mutual release of all claims for wages in respect of the past voyage or engagement, and the shipping commissioner shall also sign and attest it, and shall retain it in a book to be kept for that purpose, provided both the master and seaman assent to such settlement, or the settlement has been adjusted by the shipping commissioner.

2d. Such release, so signed and attested, shall operate as a mutual discharge and settlement of all demands for wages between the parties thereto, on account of wages, in respect of the past voyage or engagement.

3d. A copy of such release, certified under the hand and seal of such shipping commissioner to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims, and shall have all the effect of the original of which it purports to be a copy.

4th. In cases in which discharge and settlement before a shipping commissioner are required, no payment, receipt, settlement, or discharge otherwise made shall operate as evidence of the release or satisfaction of any claim.

5th. Upon payment being made by a master before a shipping commissioner, the shipping commissioner shall, if required, sign and give to such master a statement of the whole amount so paid; and such statement shall, between the master and his employer, be received as evidence that he has made the payments therein mentioned.

SEC. 4553. Upon every discharge effected before a shipping commissioner, the master shall make and sign, in the form given in the table marked "B," in the schedule annexed to this Title [R. S. 4501-4613], a report of the conduct, character, and qualifications of the persons discharged; or may state in such form that he declines to give any opinion upon such particulars, or upon any of them; and the commissioner shall keep a register of the same, and shall, if desired so to do by any seaman, give to him or indorse on his certificate of discharge a copy of so much of such report as concerns him.



## PROTECTION AND RELIEF.

SEC. 4554. Every shipping commissioner shall hear and decide any question whatsoever between a master, consignee, agent, or owner, and any of his crew, which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall, in any legal proceedings which may be taken in the matter, before any court of justice, be deemed to be conclusive as to the rights of parties. And any document under the hand and official seal of a commissioner purporting to be such submission or award, shall be prima-facie evidence thereof.

SEC. 4555. In any proceeding relating to the wages, claims, or discharge of a seaman, carried on before any shipping commissioner, under the provisions of this Title [R. S. 4501-4613], such shipping commissioner may call upon the owner, or his agent, or upon the master, or any mate, or any other member of the crew, to produce any log-books, papers, or other documents in their possession or power, respectively, relating to any matter in question in such proceedings, and may call before him and examine any of such persons, being then at or near the place, on any such matter; and every owner, agent, master, mate, or other member of the crew who, when called upon by the shipping commissioner, does not produce any such books, papers, or documents, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable cause for such a default, be liable to a penalty of not more than one hundred dollars for each offense; and, on application made by the shipping commissioner, shall be further punished, in the discretion of the court, as in other cases of contempt of the process of the court.

SEC. 4556. If the first and second officers under the master or a majority of the crew of any vessel bound on any voyage shall, before the vessel shall have left the harbor, discover that the vessel is too leaky or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions, or stores to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master shall, upon the request of the first and second officers under the master or such majority of the crew, forthwith apply to the judge of the district court of that judicial district, if he shall there reside, or if not, to some justice of the peace of the city, town, or place for the appointment of surveyors, as in section forty-five hundred and fifty-seven provided, taking with him two or more of the crew who shall have made such request; and any master refusing or neglecting to comply with these provisions shall be liable to a penalty of five hundred dollars. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

SEC. 4557. The judge, or justice, in a domestic port, shall, upon such application of the master or commander, issue his precept, directed to three persons in the neighborhood, the most experienced and skillful in maritime affairs that can be produced; and whenever such complaint is about the provisions one of such surveyors shall be a physician or a surgeon of the Public Health and Marine Hospital Service, if such service is established at the place where the complaint is made. It shall be the duty of such surveyors to repair on board such vessel and to examine the same in respect to the defects and insufficiencies complained of, and make reports to the judge, or justice, as the case may be, in writing, under their hands or the hands of two of them, whether in any or in what respect the vessel is unfit to proceed on the intended voyage, and what addition of men, provisions, or stores, or what repairs or alterations in the body, tackle, or apparel will be necessary; and upon such report the judge or justice shall adjudge and shall indorse on his report his judgment whether the vessel is fit to proceed on the intended voyage, and, if not, whether such repairs can be made or deficiencies supplied where the vessel then lies, or whether it is necessary for her to proceed to the nearest or most convenient place where such supplies can be made or deficiencies supplied; and the master and the crew shall, in all things, conform to the judgment. The master or commander shall, in the first instance, pay all the costs of such review, report, or judgment, to be taxed and allowed on a fair copy thereof, certified by the judge or justice. But if the complaint of the crew shall appear upon the report and judgment to have been without foundation, the master or commander, or the owner or consignee of such vessel, shall deduct the amount thereof, and of reasonable damages for the detention, to be ascertained by the judge or justice, out of the wages of the complaining seamen. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

SEC. 4558. If, after judgment that such vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or alterations as may be directed, the seamen, or either of them, shall refuse to proceed on the voyage, he shall forfeit any wages that may be due him. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

SEC. 4559. Upon a complaint in writing, signed by the first or second officer and a majority of the crew of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not, or have not been during the voyage, sufficient and wholesome, thereupon, in any of these or like case, the consul, or a commercial agent who may discharge any duties of a consul, shall cause to be appointed three persons, of like qualifications with those described in section forty-five hundred and fifty-seven, who shall proceed to examine into the causes of complaint, and they shall be governed in all their proceedings and proceed as provided in section forty-five hundred and fifty-seven. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

SEC. 4560. The inspectors appointed by any consul or commercial agent, in pursuance of the preceding section, shall have full power to examine the vessel and whatever is aboard of her, so far as is pertinent to their inquiry, and also to hear and receive any other proofs which the ends of justice may require; and if, upon a view of the whole proceedings, the consul or other commercial agent is satisfied therewith, he may approve the whole or any part of the report, and shall certify such approval; or if he dissents, he shall certify his reasons for dissenting.



SEC. 4561. The inspectors in their report shall also state whether in their opinion the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident; and in case it was by neglect or design, and the consular officer approves of such finding, he shall discharge such of the crew as request it, and shall require the payment by the master of one month's wages for each seaman over and above the wages then due, or sufficient money for the return of such of the crew as desire to be discharged to the nearest and most convenient port of the United States, or by furnishing the seamen who so desire to be discharged with employment on a ship agreed to by them. But if in the opinion of the inspectors the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall in a reasonable time remove or remedy the causes of complaint, then the crew shall remain and discharge their duty. If any person knowingly sends or attempts to send or is party to the sending or attempting to send an American ship to sea, in the foreign or coastwise trade, in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall, in respect of each offense, be guilty of a misdemeanor, and shall be punished by a fine not to exceed one thousand dollars or by imprisonment not to exceed five years, or both, at the discretion of the court, unless he proves that either he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purposes of giving that proof he may give evidence in the same manner as any other witness. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

SEC. 4562. The master shall pay all such reasonable charges for inspection under such complaint as shall be officially certified to him under the hand of the consul or commercial agent; but in case the inspectors report that the complaint is without any good and sufficient cause, the master may retain from the wages of the complainants, in proportion to the pay of each, the amount of such charges, with such reasonable damages for detention on that account as the consul or commercial agent directing the inquiry may officially certify.

SEC. 4563. Every master who refuses to pay such wages and charges shall be liable to each person injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense.

SEC. 4564. Should any master or owner of any merchant vessel of the United States neglect to provide a sufficient quantity of stores to last for a voyage of ordinary duration to the port of destination, and in consequence of such neglect the crew are compelled to accept a reduced scale, such master or owner shall be liable to a penalty as provided in section forty-five hundred and sixty-eight of the Revised Statutes.

SEC. 4565. Any three or more of the crew of any merchant vessel of the United States bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or *vice versa*, may complain to any officer in command of any of the vessels of the United States Navy, or consular officer of the United States, or shipping commissioner or chief officer of the customs, that the provisions or water for the use of the crew are, at any time, of bad quality, unfit for use, or deficient in quantity. Such officer shall thereupon examine the provisions or water, or cause them to be examined; and if, on examination, such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall certify the same in writing to the master of the ship. If such master does not thereupon provide other proper provisions or water, where the same can be had, in lieu of any so certified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so certified to be insufficient in quantity, or uses any provisions or water which have been so certified as aforesaid to be of bad quality and unfit for use, he shall, in every such case, be liable to a penalty of not more than one hundred dollars; and upon every such examination the officers making or directing the same shall enter a statement of the result of the examination in the log-book, and shall send a report thereof to the district judge for the judicial district embracing the port to which such vessel is bound; and such report shall be received in evidence in any legal proceedings.

SEC. 4566. If the officer to whom any such complaint in regard to the provisions or the water is made certifies in such statement that there was no reasonable ground for such complaint, each of the parties so complaining shall forfeit to the master or owner his share of the expense, if any, of the survey. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

SEC. 4567. If any seaman, while on board any vessel, shall state to the master that they desire to make complaint, in accordance with the two preceding sections, in regard to the provisions or the water, to a competent officer, against the master, the master shall, if the vessel is then at a place where there is any such officer, so soon as the service of the vessel will permit, and if the vessel is not then at such a place, so soon after her first arrival at such place as the service of the vessel will permit, allow such seamen, or any of them, to go ashore, or shall send them ashore, in proper custody, so that they may be enabled to make such complaint; and shall, in default, be liable to a penalty of not more than one hundred dollars.

SEC. 4568. If, during a voyage, the allowance of any of the provisions which any seaman is entitled to under section forty-six hundred and twelve of the Revised Statutes is reduced except for any time during which such seaman willfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore; or if it shall be shown that any of such provisions are, or have been during the voyage, bad in quality or unfit for use, the seaman shall receive, by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages:

1st. If his allowance is reduced by any quantity not exceeding one-third of the quantity specified by law, a sum not exceeding fifty cents a day.



2d. If his allowance is reduced by more than one-third of such quantity, a sum not exceeding one dollar a day.

3d. In respect to bad quality, a sum not exceeding one dollar a day.

But if it is shown to the satisfaction of the court before which the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in sufficient quantities, or were unavoidably injured or lost, or if by reason of its innate qualities any article becomes unfit for use and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take such circumstances into consideration and shall modify or refuse compensation, as the justice of the case may require. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

SEC. 4569. Every vessel belonging to a citizen of the United States, bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or *vice versa*, shall be provided with a chest of medicines; and every sailing vessel bound on a voyage across the Atlantic or Pacific Ocean, or around Cape Horn, or the Cape of Good Hope, or engaged in the whale or other fisheries, or in sealing, shall also be provided with, and caused to be kept, a sufficient quantity of lime or lemon juice, and also sugar and vinegar, or other anti-scorbutics, to be served out to every seaman as follows: The master of every such vessel shall serve the lime or lemon juice, and sugar and vinegar, to the crew, within ten days after salt provisions mainly have been served out to the crew, and so long afterward as such consumption of salt provisions continues; the lime or lemon juice and sugar daily at the rate of half an ounce each per day; and the vinegar weekly, at the rate of half a pint for each member of the crew.

SEC. 4570. If, on any such vessel, such medicines, medical stores, lime or lemon juice, or other articles, sugar, and vinegar, as are required by the preceding section, are not provided and kept on board, as required, the master or owner shall be liable to a penalty of not more than five hundred dollars; and if the master of any such vessel neglects to serve out the lime or lemon juice, and sugar and vinegar in the case and manner directed, he shall for each such offense be liable to a penalty of not more than one hundred dollars; and if any master is convicted in either of the offenses mentioned in this section, and it appears that the offense is owing to the act or default of the owner, such master may recover the amount of such penalty, and the costs incurred by him, from the owner.

SEC. 4571. Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles, in the presence of a witness, whenever any dispute arises about such quantities, and in default shall, for every offense, be liable to a penalty of not more than fifty dollars.

SEC. 4572. Every vessel bound on any foreign voyage exceeding in length fourteen days shall also be provided with at least one suit of woolen clothing for each seaman, and every vessel in the foreign or domestic trade shall provide a safe and warm room for the use of seamen in cold weather. Failure to make such provision shall subject the owner or master to a penalty of not less than one hundred dollars. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

SEC. 4573. Before a clearance is granted to any vessel bound on a foreign voyage or engaged in the whale fishery, the master thereof shall deliver to the collector of the customs a list containing the names, places of birth and residence, and description of the persons who compose his ship's company; to which list the oath of the captain shall be annexed, that the list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them; and the collector shall deliver him a certified copy thereof.

SEC. 4574. In all cases of private vessels of the United States sailing from a port in the United States to a foreign port, the list of the crew shall be examined by the collector for the district from which the vessel shall clear, and, if approved of by him, shall be certified accordingly. No person shall be admitted or employed on board of any such vessel unless his name shall have been entered in the list of the crew, approved and certified by the collector for the district from which the vessel shall clear. The collector, before he delivers the list of the crew, approved and certified, to the master or proper officer of the vessel to which the same belongs, shall cause the same to be recorded in a book by him for that purpose to be provided, and the record shall be open for the inspection of all persons, and a certified copy thereof shall be admitted in evidence in any court in which any question may arise under any of the provisions of this Title. [R. S. 4501-4618.]

SEC. 4575. The following rules shall be observed with reference to vessels bound on any foreign voyage:

1st. The duplicate list of the ship's company, required to be made out by the master and delivered to the collector of the customs, under section forty-five hundred and seventy-three, shall be a fair copy in one uniform handwriting, without erasure or interlineation.

2d. It shall be the duty of the owners of every such vessel to obtain from the collector of the customs of the district from which the clearance is made, a true and certified copy of the shipping articles, containing the names of the crew, which shall be written in a uniform hand, without erasures or interlineations.

3d. These documents, which shall be deemed to contain all the conditions of contract with the crew as to their service, pay, voyage, and all other things, shall be produced by the master, and laid before any consul, or other commercial agent of the United States, whenever he may deem their contents necessary to enable him to discharge the duties imposed upon him by law toward any mariner applying to him for his aid or assistance.

4th. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally made, shall be deemed fraudulent alterations, working no change in such papers, unless satisfactorily explained in a manner consistent with innocent purposes and the provisions of law which guard the rights of mariners.

5th. If any master of a vessel shall proceed on a foreign voyage without the documents herein required, or refuse to produce them when required, or to perform the duties imposed by this section, or shall violate the



provisions thereof, he shall be liable to each and every individual injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense

6th. It shall be the duty of the boarding officer to report all violations of this section to the collector of the port where any vessel may arrive, and the collector shall report the same to the Secretary of Commerce and Labor, and to the United States attorney in his district.

SEC. 4576. The master of every vessel bound on a foreign voyage or engaged in the whale fishery shall exhibit the certified copy of the list of the crew to the first boarding officer at the first port in the United States at which he shall arrive on his return, and also produce the persons named therein to the boarding officer, whose duty it shall be to examine the men with such list and to report the same to the collector; and it shall be the duty of the collector at the port of arrival, where the same is different from the port from which the vessel originally sailed, to transmit a copy of the list so reported to him to the collector of the port from which such vessel originally sailed. For each failure to produce any person on the certified copy of the list of the crew the master and owner shall be severally liable to a penalty of four hundred dollars, to be sued for, prosecuted, and disposed of in such manner as penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties; but such penalties shall not be incurred on account of the master not producing to the first boarding officer any of the persons contained in the list who may have been discharged in a foreign country with the consent of the consul, vice consul, commercial agent, or vice-commercial agent there residing, certified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew, nor on account of any such person dying or absconding or being forcibly impressed into other service of which satisfactory proof shall also be exhibited to the collector.

SEC. 4577. (See section 5363.) It shall be the duty of the consuls, vice-consuls, commercial agents, and vice-commercial agents, from time to time, to provide for the seamen of the United States, who may be found destitute within their districts, respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give. The seamen shall, if able, be bound to do duty on board the vessels in which they may be transported, according to their several abilities.

SEC. 4578. All masters of vessels of the United States, and bound to some port of the same, are required to take such destitute seamen on board their vessels, at the request of consular officers, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding ten dollars for each person for voyages of not more than thirty days, and not exceeding twenty dollars for each person for longer voyages, as may be agreed between the master and the consular officer, when the transportation is by a sailing vessel; and the regular steerage passenger rate not to exceed two cents per mile when the transportation is by a steamer; and said consular officer shall issue certificates for such transportation, which certificates shall be assignable for collection. If any such destitute seaman is so disabled or ill as to be unable to perform duty, the consular officer shall so certify in the certificate of transportation, and such additional compensation shall be paid as the Comptroller of the Treasury shall deem proper. Every such master who refuses to receive and transport such seamen on the request or order of such consular officer shall be liable to the United States in a penalty of one hundred dollars for each seaman so refused. The certificate of any such consular officer, given under his hand and official seal, shall be presumptive evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty. No master of any vessel shall, however, be obliged to take a greater number than one man to every one hundred tons burden of the vessel on any one voyage, or to take any seaman having a contagious disease.

SEC. 4579. Whenever distressed seamen of the United States are transported from foreign ports where there is no consular officer of the United States, to ports of the United States, there shall be allowed to the master or owner of each vessel, in which they are transported, such reasonable compensation, in addition to the allowance now fixed by law, as shall be deemed equitable by the Comptroller of the Treasury.

SEC. 4580. Upon the application of the master of any vessel to a consular officer to discharge a seaman, or upon the application of any seaman for his own discharge, if it appears to such officer that said seaman has completed his shipping agreement, or is entitled to his discharge under any act of Congress or according to the general principles or usages of maritime law as recognized in the United States, such officer shall discharge said seaman, and require from the master of said vessel, before such discharge shall be made, payment of the wages which may then be due said seaman; but no payment of extra wages shall be required by any consular officer upon such discharge of any seaman, except as provided in this act.

SEC. 4581. If any consular officer, when discharging any seaman, shall neglect to require the payment of and collect the arrears of wages and extra wages required to be paid in the case of the discharge of any seaman, he shall be accountable to the United States for the full amount thereof. The master shall provide any seaman so discharged with employment on a vessel agreed to by the seaman, or shall provide him with one month's extra wages, if it shall be shown to the satisfaction of the consul that such seaman was not discharged for neglect of duty, incompetency, or injury incurred on the vessel. If the seaman is discharged by voluntary consent before the consul, he shall be entitled to his wages up to the time of his discharge, but not for any further period. If the seaman is discharged on account of injury or illness, incapacitating him for service, the expenses of his maintenance and return to the United States shall be paid from the fund for the maintenance and transportation of destitute American seamen.

SEC. 4582. Whenever a vessel of the United States is sold in a foreign country and her company discharged, it shall be the duty of the master to produce to the consular officer a certified list of the ship's company, and also the shipping articles, and besides paying to each seaman or apprentice the wages due him, he shall either provide him with adequate employment on board some other vessel bound to the port at which he was originally shipped, or to



such other port as may be agreed upon by him, or furnish the means of sending him to such port, or provide him with a passage home, or deposit with the consular officer such a sum of money as is by the officer deemed sufficient to defray the expenses of his maintenance and passage home; and the consular officer shall indorse upon the agreement with the crew of the ship which the seaman or apprentice is leaving the particulars of any payment, provision, or deposit made under this section. A failure to comply with the provisions of this section shall render the owner liable to fine of not exceeding fifty dollars.

SEC. 4588. Whenever on the discharge of a seaman in a foreign country by a consular officer on his complaint that the voyage is continued contrary to agreement, or that the vessel is badly provisioned or unseaworthy, or against the officers for cruel treatment, it shall be the duty of the consul or consular agent to institute a proper inquiry into the matter, and, upon his being satisfied of the truth and justice of such complaint, he shall require the master to pay to such seaman one month's wages over and above the wages due at the time of discharge, and to provide him with adequate employment on board some other vessel, or provide him with a passage on board some other vessel bound to the port from which he was originally shipped, or to the most convenient port of entry in the United States, or to a port agreed to by the seaman.

\* \* \* \* \*

SEC. 4586. Whenever a sale or transfer of any vessel of the United States is made in a foreign port or water, the consular officer of the United States within whose consulate or district the sale is made, or in whose hands the papers of such vessel are, is required to collect of the master or agent of such vessel all moneys that shall have become due to the United States by virtue of the preceding section, and shall remain unpaid at the time of such sale or transfer; and such consular officer shall retain possession of the papers of such vessel until such money shall have been paid as herein provided; and in default of such payment the sale or transfer shall be void, excepting as against the vendor.

\* \* \* \* \*

#### FEES OF SHIPPING COMMISSIONER.

SEC. 4594. In no case shall the salary [fees, and emoluments] of any officer appointed under this Title [R. S. 4501-4613] be more than five thousand dollars per annum [; and any additional fees shall be paid into the Treasury of the United States].

SEC. 4595. Every shipping commissioner, and every clerk or employee in any shipping office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant vessels, excepting the lawful fees payable under this Title [R. S. 4501-4613] shall, for every such offense, be liable to a penalty of not more than two hundred dollars. [Fees payable by individuals abolished June 19, 1886.]

#### ADVANCE WAGES NOT TO BE PAID TO SEAMEN—ASSIGNMENT OF PAY TO WIFE, MOTHER, OR CREDITOR.

*(Act June 26, 1884, as amended by Acts of June 19, 1886, December 21, 1898, February 14, 1903, and April 26, 1904.)*

SEC. 24. (a) It shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages to any other person. Any person paying such advance wages shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not less than four times the amount of the wages so advanced, and may also be imprisoned for a period not exceeding six months, at the discretion of the court. The payment of such advance wages shall in no case, excepting as herein provided, absolve the vessel or the master or the owner thereof from full payment of wages after the same shall have been actually earned, and shall be no defense to a libel, suit, or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor, and shall be imprisoned not more than six months or fined not more than five hundred dollars.

(b) It shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages which he may earn to his grand parents, parents, wife, sister, or children. But no allotment whatever shall be allowed in the trade between the ports of the United States (except as provided in subdivision C of this section) or in trade between ports of the United States and the Dominion of Canada, Newfoundland, the West Indies, and Mexico.

(c) It shall be lawful for any seaman engaged in a vessel bound from a port on the Atlantic to a port on the Pacific or *vice versa*, or in a vessel engaged in foreign trade, except trade between the United States and the Dominion of Canada or Newfoundland or the West Indies or the Republic of Mexico, to stipulate in his shipping agreement for an allotment of an amount, to be fixed by regulation of the Commissioner of Navigation, with the approval of the Secretary of Commerce and Labor, not exceeding one month's wages, to an original creditor in liquidation of any just debt for board or clothing which he may have contracted prior to engagement.

(d) No allotment note shall be valid unless signed by and approved by the shipping commissioner. It shall be the duty of said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement, and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made.

(e) No allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be such relation as above described of a seaman under this section or shall make a false statement of the nature or amount of any debt claimed to be due from any seaman under this section shall for every such offense be punishable



by a fine not exceeding five hundred dollars or imprisonment not exceeding six months, at the discretion of the court.

(f) This section shall apply as well to foreign vessels as to vessels of the United States; and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation: *Provided*, That treaties in force between the United States and foreign nations do not conflict.

(g) Under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation shall make regulations to carry out this section. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

#### **VESSELS OF UNITED STATES MUST HAVE SLOP-CHEST, ETC.**

*(Act June 26, 1884.)*

SEC. 11. Every such vessel [R. S. 4569], except vessels engaged in the whaling or fishing business, shall also be provided with a slop-chest, which shall contain a complement of clothing for the intended voyage for each seaman employed, including boots or shoes, hats or caps, underclothing and outer clothing, oiled clothing, and everything necessary for the wear of a seaman; also a full supply of tobacco and blankets. Any of the contents of the slop-chest shall be sold, from time to time, to any or every seaman applying therefor, for his own use, at a profit not exceeding ten per centum of the reasonable wholesale value of the same at the port at which the voyage commenced. And if any such vessel is not provided, before sailing, as herein required, the owner shall be liable to a penalty of not more than five hundred dollars. The provisions of this section shall not apply to vessels plying between the United States and the Dominion of Canada, Newfoundland, the Bermuda Islands, the Bahama Islands, the West Indies, Mexico, and Central America.

SEC. 13. (Act of June 19, 1886.) Section eleven of "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June twenty-sixth, eighteen hundred and eighty-four, shall not be construed to apply to vessels engaged in the whaling or fishing business.

#### **ABOLITION OF CONSULAR FEES FOR SERVICES TO VESSELS AND SEAMEN— COMPENSATION OF CONSULAR OFFICERS.**

*(Act June 26, 1884.)*

SEC. 12. No fees named in the tariff of consular fees prescribed by order of the President shall be charged or collected by consular officers for the official services to American vessels and seamen. Consular officers shall furnish the master of every such vessel with an itemized statement of such services performed on account of said vessel, with the fee so prescribed for each service, and make a detailed report to the Secretary of Commerce and Labor of such services and fees, under such regulations as the Secretary of State may prescribe; and the Secretary of Commerce and Labor shall allow consular officers who are paid in whole or in part by fees such compensation for said services as they would have received prior to the passage of this act: *Provided*, That such services, in the opinion of the Secretary of Commerce and Labor, have been necessarily rendered.

#### **SHIPMENT OF SEAMEN FOR STATED PERIODS.**

*(Act June 26, 1884.)*

SEC. 19. A master of a vessel in the foreign trade may engage a seaman at any port in the United States, in the manner provided by law, to serve on a voyage to any port, or for the round-trip from and to the port of departure, or for a definite time, whatever the destination. The master of a vessel making regular and stated trips between the United States and a foreign country may engage a seaman for one or more round-trips, and for a definite time, or on the return of said vessel to the United States may reship such seaman for another voyage in the same vessel, in the manner provided by law, without the payment of additional fees to any officer for such reshipment or re-engagement.

#### **SHIPMENT OF SEAMEN FOR STATED PERIODS AT FOREIGN PORTS.**

*(Act June 26, 1884.)*

SEC. 20. Every master of a vessel in the foreign trade may engage any seaman at any port out of the United States, in the manner provided by law, to serve for one or more round-trips from and to the port of departure, or for a definite time, whatever the destination; and the master of a vessel clearing from a port of the United States with one or more seamen engaged in a foreign port as herein provided shall not be required to reship in a port of the United States the seamen so engaged [or to give bond, as required by section forty-five hundred and seventy-six of the Revised Statutes, to produce said seamen before a boarding officer on the return of said vessel to the United States].

#### **OFFENSES AND PUNISHMENTS.**

*(Revised Statutes.)*

SEC. 4596. The words "domestic trade" in this section shall include trade between ports of the United States and trade between ports of the United States and the Dominion of Canada, Newfoundland, the West Indies, and Mexico. The words "foreign trade" shall include trade between ports of the United States and foreign ports, except



as above specified, and trade between Atlantic and Pacific ports of the United States. Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offenses he shall be punishable as follows:

1st. For desertion, if the offense occur at a port of the United States, or a foreign port in the domestic trade, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned. If the offense occur at a foreign port in the foreign trade, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned; and also, at the discretion of the court, by imprisonment for not more than one month.

2d. For neglecting or refusing, without reasonable cause, to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within twenty-four hours of the vessel's sailing from any port, either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his vessel or from his duty, not amounting to desertion or not treated as such by the master, if the offense occur at a port of the United States or a foreign port in the domestic trade, by a forfeiture from his wages of not more than two days' pay, or sufficient to defray any expenses which have been properly incurred in hiring a substitute; or if the offense occur at a foreign port, in the foreign trade, by a forfeiture from his wages of not more than two days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

3d. For quitting the vessel, in whatever trade engaged, at a foreign or domestic port, without leave after her arrival at her port of delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

4th. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port, if of the United States, by forfeiture from his wages of not more than four days' pay, or upon arrival in a foreign port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

5th. For continued willful disobedience to lawful command or continued willful neglect of duty at sea by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port, if of the United States, by forfeiture, for every twenty-four hours' continuance of such disobedience or neglect, of either a sum of not more than twelve days' pay or sufficient to defray any expenses which have been properly incurred in hiring a substitute, or upon arrival in a foreign port, in addition to the above penalty, by imprisonment for not more than three months, at the discretion of the court.

6th. For assaulting any master or mate, in whatever trade engaged, by imprisonment for not more than two years.

7th. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, in whatever trade engaged, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than twelve months.

8th. For any act of smuggling for which he is convicted, and whereby loss or damage is occasioned to the master or owner, in whatever trade engaged, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or any part of his wages may be retained in satisfaction or on account of such liability; and he shall be liable to imprisonment for a period of not more than twelve months.

SEC. 4597. Upon the commission of any of the offenses enumerated in the preceding section an entry thereof shall be made in the official log-book on the day on which the offense was committed, and shall be signed by the master and by the mate or one of the crew; and the offender, if still in the vessel, shall, before her next arrival at any port, or, if she is at the time in port, before her departure therefrom, be furnished with a copy of such entry, and have the same read over distinctly and audibly to him, and may thereupon make such a reply thereto as he thinks fit; and a statement that a copy of the entry has been so furnished, or the same has been so read over, together with his reply, if any, made by the offender, shall likewise be entered and signed in the same manner. In any subsequent legal proceedings the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof the court hearing the case may, at its discretion, refuse to receive evidence of the offense.

SEC. 4600. It shall be the duty of all consular officers to reclaim deserters, discountenance insubordination by every means in their power, and, where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where seamen or officers are accused the consular officer shall inquire into the facts and proceed as provided in section forty-five hundred and eighty-three of the Revised Statutes; and the officer discharging such seamen shall enter upon the crew list and shipping articles and official log the cause of discharge and the particulars in which the cruel or unusual treatment consisted, and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and his reply thereto, if any, shall likewise be entered and subscribed in the same manner.

SEC. 4602. (See section 5347.) Any master of, or any seaman or apprentice belonging to, any merchant vessel, who, by willful breach of duty, or by reason of drunkenness, does any act tending to the immediate loss or destruction of, or serious damage to such vessel, or tending immediately to endanger the life or limb of any person belonging to or on board of such vessel; or who, by willful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate



danger to life or limb, shall, for every such offense, be deemed guilty of a misdemeanor, punishable by imprisonment for not more than twelve months.

SEC. 4603. Any question concerning the forfeiture of, or deductions from, the wages of any seaman or apprentice, may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding the offense in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

SEC. 4604. All clothes, effects, and wages which, under the provisions of this Title [R. S. 4501-4613] are forfeited for desertion, shall be applied, in the first instance, in payment of the expenses occasioned by such desertion, to the master or owner of the vessel from which the desertion has taken place, and the balance, if any, shall be paid by the master or owner to any shipping commissioner resident at the port at which the voyage of such vessel terminates; and the shipping commissioner shall account for and pay over such balance to the judge of the circuit court within one month after the commissioner receives the same, to be disposed of by him in the same manner as is prescribed for the disposal of the money, effects, and wages of deceased seamen. Whenever any master or owner neglects or refuses to pay over to the shipping commissioner such balance, he shall be liable to a penalty of double the amount thereof, recoverable by the commissioner in the same manner that seamen's wages are recovered. In all other cases of forfeiture of wages, the forfeiture shall be for the benefit of the master or owner by whom the wages are payable.

SEC. 4605. Whenever in any proceeding relating to seamen's wages it is shown that any seaman or apprentice has, in the course of the voyage, been convicted of any offense by any competent tribunal, and rightfully punished therefor, by imprisonment or otherwise, the court hearing the case may direct a part of the wages due to such *seamen* (seaman—see Act of June 7, 1872, chapter 322, section 57), not exceeding fifteen dollars, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

SEC. 4606. Every person who, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any vessel about to arrive at the place of her destination, before her actual arrival, and before she has been completely moored, without permission of the master, shall, for every such offense, be punishable by a fine of not more than two hundred dollars, and by imprisonment for not more than six months; and the master of such vessel may take any such person so going on board into custody, and deliver him up forthwith to any constable or police officer, to be by him taken before any justice of the peace, to be dealt with according to the provisions of this Title. [R. S. 4501-4613.]

SEC. 4607. If, within twenty-four hours after the arrival of any vessel at any port in the United States, any person, then being on board such vessel, solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such vessel any effects of any seaman, except under his personal direction, and with the permission of the master, he shall, for every such offense, be punishable by a fine of not more than fifty dollars, or by imprisonment for not more than three months. [This section shall apply to vessels of the United States in the foreign trade, and to foreign vessels. Act April 13, 1904.]

SEC. 4608. No seaman in the merchant service shall wear any sheath knife on shipboard. It shall be the duty of the master of any vessel registered, enrolled, or licensed under the laws of the United States, and of the person entering into contract for the employment of a seaman upon any such vessel, to inform every person offering to ship himself of the provisions of this section, and to require his compliance therewith, under a penalty of fifty dollars for each omission, to be sued for and recovered in the name of the United States, under the direction of the Secretary of Commerce and Labor; one-half for the benefit of the informer, and the other half for the benefit of the fund for the relief of sick and disabled seamen.

SEC. 4610. All penalties and forfeitures imposed by this Title [R. S. 4501-4613], for the recovery whereof no specific mode is hereinbefore provided, may be recovered, with costs, in any circuit court of the United States, at the suit of any district attorney of the United States, or at the suit of any person by information to any district attorney in any port of the United States, where or near to where the offense is committed or the offender is found; and if a conviction is had, and the sum imposed as a penalty by the court is not paid either immediately after the conviction, or within such period as the court at the time of the conviction appoints, it shall be lawful for the court to commit the offender to prison, there to be imprisoned for the term hereinbefore provided in case of such offense, the commitment to be terminable upon payment of the amount and costs; and all penalties and forfeitures mentioned in this Title for which no special application is provided, shall, when recovered, be paid and applied in manner following: So much as the court shall determine, and the residue shall be paid to the court and be remitted from time to time, by order of the judge, to the Treasury of the United States, and appropriated as provided for in section forty-five hundred and forty-five: *Provided always*, That it shall be lawful for the court before which any proceeding shall be instituted for the recovery of any pecuniary penalty imposed by this act, to mitigate or reduce such penalty as to such court shall appear just and reasonable; but no such penalty shall be reduced to less than one-third of its original amount: *Provided also*, That all proceedings so to be instituted shall be commenced within two years next after the commission of the offense, if the same shall have been committed at or beyond the Cape of Good Hope or Cape Horn, or within one year if committed elsewhere, or within two months after the return of the offender and the complaining party to the United States; and there shall be no appeal from any decision of any of the circuit courts unless the amount sued for exceeds the sum of five hundred dollars.

SEC. 4611. Flogging and all other forms of corporal punishment are hereby prohibited on board any vessel, and no form of corporal punishment on board any vessel shall be deemed justifiable, and any master or other officer



thereof who shall violate the aforesaid provisions of this section or either thereof shall be deemed guilty of a misdemeanor, punishable by imprisonment not less than three months or more than two years. Whenever any officer other than the master of such vessel shall violate any provision of this section, it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable. Any failure upon the part of such master to comply herewith, which failure shall result in the escape of such officer, shall render said master liable in damages to the person illegally punished by such officer.

SEC. 4612. In the construction of this Title [R. S. 4501-4613], every person having the command of any vessel belonging to any citizen of the United States shall be deemed to be the "master" thereof; and every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a "seaman;" and the term "vessel" shall be understood to comprehend every description of vessel navigating on any sea or channel, lake or river, to which the provisions of this Title may be applicable, and the term "owner" shall be taken and understood to comprehend all the several persons, if more than one, to whom the vessel shall belong.

#### FEES.

Fees to U. S. Shipping Commissioners were abolished by the act of June 19, 1886, and are no longer to be paid by masters of vessels of the United States.

TABLE A.—(SECTION 4612.)

#### FORM OF ARTICLES OF AGREEMENT.

##### UNITED STATES OF AMERICA,

(Date and place of first signature of agreement, including name of shipping office.)

It is agreed between the master and seamen or mariners of the \_\_\_\_\_ of which \_\_\_\_\_ is at present master, or whoever shall go for master, now bound from the port of \_\_\_\_\_, to \_\_\_\_\_, (here the voyage is to be described, and the places named at which the ship is to touch, or, if that can not be done, the general nature and probable length of the voyage is to be stated.)

And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers in everything relating to the said ship, and the stores and cargo thereof, whether on board, in boats, or on shore; and in consideration of which service, to be duly performed, the said master hereby agrees to pay to the said crew, as wages, the sums against their names respectively expressed, and to supply them with provisions according to the annexed scale. And it is hereby agreed that any embezzlement, or willful or negligent destruction of any part of the vessel's cargo or stores, shall be made good to the owner out of the wages of the person guilty of the same; and if any person enters himself as qualified for a duty which he proves himself incompetent to perform, his wages shall be reduced in proportion to his incompetency. And it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the ship, in a quiet and orderly manner, who shall thereupon take such steps as the case may require. And it is also agreed that (here any other stipulations may be inserted to which the parties agree, and which are not contrary to law).

In witness whereof the said parties have subscribed their names hereto on the days against their respective signatures mentioned.

Signed by \_\_\_\_\_, master, on the \_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_.

TABLE A—CONTINUATION OF AGREEMENT.

Signature of crew.	Birthplace.	Age.	Height.		Description.		Wages per month.	Wages per run.	Amount of monthly allotment.	Time of service.		Whole wages.	Wages due.	Place and time of entry.	Time at which he is to be on board.	In what capacity.	Shipping commissioner's signature or initials.	Allotment payable to—	Conduct, qualifications.	Address of wife or next of kin.
			Feet.	Inches.	Complexion.	Hair.				Months.	Days.									

NOTE.—In the place for signatures and descriptions of men engaged after the first departure of the ship, the entries are to be made as above, except that the signatures of the consul or vice-consul, officer of customs, or witness before whom the man is engaged, is to be substituted for that of the shipping master.

#### ACCOUNT OF APPRENTICES ON BOARD.

Christian and surname of apprentice in full.	Date of registry of indenture.	Port at which indenture was registered.	Date of registry of assignment.	Port at which assignment was registered.



TABLE D.—TO BE INSERTED IN AGREEMENT.—SCALE OF PROVISIONS TO BE ALLOWED AND SERVED OUT TO THE CREW DURING THE VOYAGE.

	Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.
Water.....quarts.....	4	4	4	4	4	4	4
Biscuit.....pound.....	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$
Beef, salt.....pounds.....			$1\frac{1}{4}$		$1\frac{1}{4}$		$1\frac{1}{4}$
Pork, salt.....pound.....		1		1		1	
Flour.....pound.....	$\frac{1}{2}$		$\frac{1}{2}$		$\frac{1}{2}$		
Canned meat.....pound.....	1			1			
Fresh bread.....pounds.....	$1\frac{1}{2}$	$1\frac{1}{2}$	$1\frac{1}{2}$	$1\frac{1}{2}$	$1\frac{1}{2}$	$1\frac{1}{2}$	$1\frac{1}{2}$
Fish, dry, preserved, or fresh.....pound.....						1	
Potatoes or yams.....pound.....	1	1	1	1	1	1	1
Canned tomatoes.....pound.....	$\frac{1}{2}$					$\frac{1}{2}$	
Pease.....pint.....			$\frac{1}{3}$			$\frac{1}{3}$	
Beans.....pint.....		$\frac{1}{3}$		$\frac{1}{3}$			
Rice.....pint.....		$\frac{3}{4}$					$\frac{3}{4}$
Coffee (green berry).....ounce.....	$\frac{3}{4}$		$\frac{3}{4}$	$\frac{3}{4}$	$\frac{3}{4}$	$\frac{3}{4}$	$\frac{3}{4}$
Tea.....ounce.....	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$
Sugar.....ounces.....	3	3	3	3	3	3	3
Molasses.....pint.....	$\frac{1}{2}$		$\frac{1}{2}$		$\frac{1}{2}$		
Dried fruit.....ounces.....	3		3		3		
Pickles.....pint.....		$\frac{1}{4}$		$\frac{1}{4}$		$\frac{1}{4}$	
Vinegar.....pint.....			$\frac{1}{2}$				$\frac{1}{2}$
Corn meal.....ounces.....	4				4		
Onions.....ounces.....	4				4		4
Lard.....ounce.....	1	1	1	1	1	1	1
Butter.....ounce.....	1	1	1	1	1	1	1
Mustard, pepper, and salt, sufficient for seasoning.							

## SUBSTITUTES.

One pound of flour daily may be substituted for the daily ration of biscuit or fresh bread; two ounces of desiccated vegetables for one pound of potatoes or yams; six ounces of hominy, oatmeal, or cracked wheat, or two ounces of tapioca, for six ounces of rice; six ounces of canned vegetables for one-half pound of canned tomatoes; one eighth of an ounce of tea for three-fourths of an ounce of coffee; three-fourths of an ounce of coffee for one-eighth of an ounce of tea; six ounces of canned fruit for three ounces of dried fruit; one-half ounce of lime juice for the daily ration of vinegar; four ounces of oatmeal or cracked wheat for one-half pint of corn meal; two ounces of pickled onions for four ounces of fresh onions.

When the vessel is in port and it is possible to obtain the same, one and one-half pounds of fresh meat shall be substituted for the daily rations of salt and canned meat; one-half pound of green cabbage for one ration of canned tomatoes; one-half pound of fresh fruit for one ration of dried fruit. Fresh fruit and vegetables shall be served while in port if obtainable. The seamen shall have the option of accepting the fare the master may provide, but the right at any time to demand the foregoing scale of provisions.

The foregoing scale of provisions shall be inserted in every article of agreement, and shall not be reduced by any contract, except as above, and a copy of the same shall be posted in a conspicuous place in the galley and in the forecabin of each vessel. [Fishing or whaling vessels or yachts exempt, December 21, 1898, Sec. 26.]

TABLE B.—CERTIFICATE OF DISCHARGE.—(SECTION 4612.)

Name and official number of ship.	Port of registry.	Tonnage.	Description of voyage or employment.	Name of seaman.	Place of birth.	Date of birth.	Character.	Declines to give statement of character.	Capacity.	Date of entry.	Date of discharge.	Place of discharge.

I certify that the above particulars are correct, and that the above-named seaman was discharged accordingly.  
 Dated \_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_.

(Signed) \_\_\_\_\_, *Master*.

(Countersigned) \_\_\_\_\_, *Seaman*.

Given to the above-named seaman in my presence this \_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_.

(Signed) \_\_\_\_\_, *Shipping Commissioner*.

Approved June 7, 1872.



## AN ACT TO PROHIBIT SHANGHAIING IN THE UNITED STATES.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whoever, with intent that any person shall perform service or labor of any kind on board of any vessel of any kind engaged in trade and commerce among the several States or with foreign nations, shall—

First. Procure or induce or attempt to procure or induce another by force, threats, or representations which the person making them knows or believes to be untrue, or while the person so induced or procured is intoxicated or under the influence of any drug, to go on board of any such vessel.

Second. Induce or procure or attempt to induce or procure another by force or threats, or by representations known or believed by the person making them to be untrue, or while the person so induced or procured is intoxicated or under the influence of any drug, to sign or in any wise enter into any agreement to go on board any such vessel to perform service or labor thereon, shall be fined not more than one thousand dollars or imprisonment for one year, or both.

SEC. 2. That whoever shall knowingly detain on board any such vessel any person induced to go on board thereof or to enter into an agreement to go on board thereof by any of the means defined in section one hereof shall be punished as provided in section one.

SEC. 3. That whoever shall knowingly aid or abet in the doing of any of the things declared unlawful by sections one and two of this Act shall be deemed a principal and punished accordingly.

SEC. 4. That sections four, six, and twenty-four of chapter twenty-eight of the Acts of Congress, approved December twenty-first, eighteen hundred and ninety-eight, shall apply to all vessels engaged in the taking of oysters, anything in section twenty-six of said last-mentioned Act to the contrary notwithstanding.

Approved, June 28, 1906.

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## NOTICE TO SHIP-OWNERS AND SHIP-MASTERS.

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SEA-SCURVY—THE CAUSE OF THE MALADY IS GENERALLY BELIEVED TO BE PRIVATION FOR A CONSIDERABLE LENGTH OF TIME OF FRESH VEGETABLES.

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### MEANS FOR PREVENTION—AT SEA.

1. Every ship on a long voyage should be supplied with a proper quantity of *lime or lemon juice*.

The juice, having been received in bulk from the vendors, should be examined and analyzed by a competent medical officer. All measures adopted for its preservation are worthless unless it be clearly ascertained that a pure article has been supplied. Ten per cent of brandy or of rum should afterwards be added to it. It should be packed in jars or bottles, each containing one gallon or less, covered with a layer of oil, and closely packed and sealed. Each man should have at least four ounces—8 tablespoonfuls—a week, and should take it as part of his daily food. The quantity should be increased to an ounce daily if any symptoms of scurvy manifest themselves.

The giving out of lime or lemon juice should be commenced with the issue of salt provisions, and should be continued even with fresh meat in harbor when no green or succulent vegetables accompany it. It should certainly not be delayed longer than a fortnight after the vessel has put to sea.

2. *Preserved vegetables*—of these, potatoes and onions are the best; next—greens, carrots, turnips, etc.

3. A *plentiful supply of good water*.

4. Attention to *cleanliness* and *ventilation*, more particularly of the quarters of the crew.

IN PORT.—A full supply of such vegetables as may be most easily procured, viz: potatoes, greens, radishes, *water-cresses*; the latter vegetable is a powerful antiscorbutic and easily procurable. Fruits, as oranges, lemons, limes, shaddocks, etc.

It is always well to provide an extra supply of the above-mentioned important antiscorbutics in case of an unusually protracted voyage or other contingency.

“Every master or other officer of an American vessel on the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, who, without justifiable cause, beats, wounds, or imprisons any of the crew of such vessel or withholds from them suitable food and nourishment, or inflicts upon them any cruel and unusual punishment, shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than five years, or by both.” Nothing herein contained shall be construed to repeal or modify section forty-six hundred and eleven of the Revised Statutes. (R. S., 5347 March 3, 1897. Sec. 18.)



# INSTRUCTIONS.

## RESCUE WITH THE LIFEBOAT OR SURFBOAT.

The patrolman, after discovering your vessel ashore and burning a Coston signal, hastens to his station for assistance. If the use of a boat is practicable, either the large lifeboat is launched from its ways in the station and proceeds to the wreck by water or the lighter surfboat is hauled overland to a point opposite the wreck and launched, as circumstances may require.

Upon the boat reaching your vessel, the directions and orders of the keeper (who always commands and steers the boat) should be implicitly obeyed. Any headlong rushing and crowding should be prevented, and the captain of the vessel should remain on board, to preserve order, until every other person has left.

Women, children, helpless persons, and passengers should be passed into the boat first.

Goods or baggage will positively not be taken into the boat until all are landed. If any be passed in against the keeper's remonstrance he is fully authorized to throw the same overboard.

## RESCUE WITH THE BREECHES BUOY OR LIFE CAR.

Should it be inexpedient to use either the lifeboat or surfboat, recourse will be had to the wreck gun and beach apparatus for the rescue by the breeches buoy or the life car.

A shot with a small line attached will be fired across your vessel.

Get hold of the line as soon as possible and haul on board until you get a tail block with a whip or endless line rove through it. This tail block should be hauled on board as quickly as possible to prevent the whip drifting off with the set or fouling with wreckage, etc. Therefore, if you have been driven into the rigging where but one or two men can work to advantage, cut the shot line and run it through some available block, such as the throat or peak halliards block, or any block which will afford a clear lead, or even between the ratlines, that as many as possible may assist in hauling.

Attached to the tail block will be a tally board with the following directions in English on one side and French on the other:

"Make the tail of the block fast to the lower mast, well up. If the masts are gone, then to the best place you can find. Cast off shot line, see that the rope in the block runs free, and show signal to the shore."

The above instructions being complied with, the result will be as shown in Figure 1.

As soon as your signal is seen a three-inch hawser will be bent onto the whip and hauled off to your ship by the life-saving crew.

If circumstances will admit, you can assist the life-saving crew by manning that part of the whip to which the hawser is bent and hauling with them.

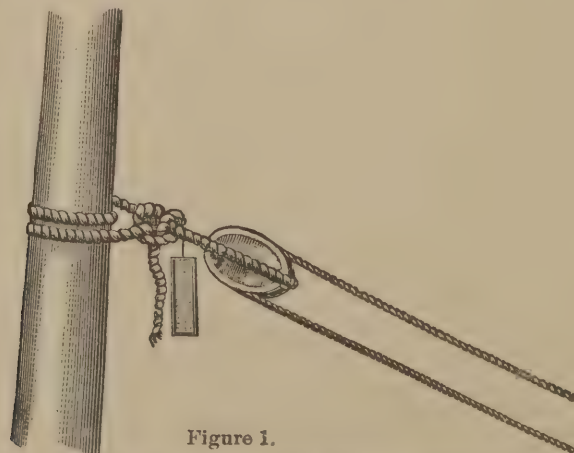


Figure 1.

When the end of the hawser is got on board, a tally board will be found attached, bearing the following directions in English on one side and French on the other:

"Make this hawser fast about 2 feet above the tail block, see all clear, and that the rope in the block runs free, and show signal to the shore."

These instructions being obeyed, the result will be as shown in Figure 2.

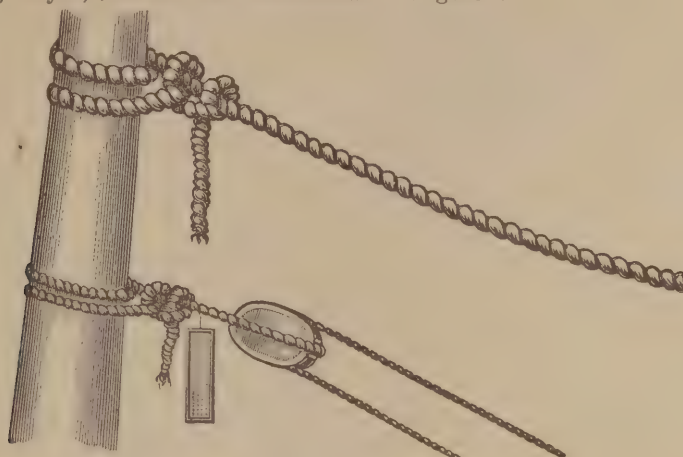


Figure 2.

*Take particular care that there are no turns of the whip line round the hawser before making the hawser fast.*

When the hawser is made fast, the whip cast off from the hawser, and your signal seen by the life-saving crew, they will haul the hawser taut, and by means of the whip will haul off to your ship a breeches buoy suspended from a traveler block, or a life car from rings, running on the hawser.

Figure 3 represents the apparatus rigged, with the breeches buoy hauled off to the ship.

If the breeches buoy be sent, let one man immediately get into it, thrusting his legs through the breeches. If the life car, remove the hatch, place as many persons into it as it will hold (four or six), and secure the hatch on the outside by the hatch bar and hook, signal as before, and the buoy or car will be hauled ashore. This will be repeated until all are landed. On the last trip of the life car the hatch must be secured by the inside hatch bar.

In many instances two men can be landed in the breeches buoy at the same time by each putting a leg through a leg of the breeches and holding onto the lifts of the buoy.

Children when brought ashore by the buoy should be in the arms of older persons or securely lashed to the buoy. Women and children should be landed first.

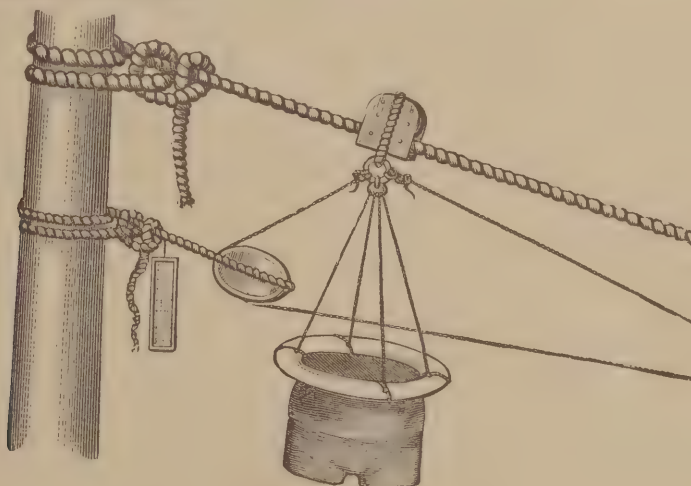


Figure 3.

In signaling as directed in the foregoing instructions, if in the daytime, let one man separate himself from the rest and swing his hat, a handkerchief, or his hand; if at night, the showing of a light, and concealing it once or twice, will be understood; and like signals will be made from the shore.

Circumstances may arise, owing to the strength of the current or set, or the danger of the wreck breaking up immediately, when it would be impossible to send off the hawser. In such a case a breeches buoy or life car will be hauled off instead by the whip or sent off to you by the shot line, and you will be hauled ashore through the surf.

If your vessel is stranded during the night and discovered by the patrolman, which you will know by his burning a brilliant red light, keep a bright lookout for signs of the arrival of the life-saving crew abreast of your vessel.

From one to four hours may intervene between the burning of the light and their arrival, as the patrolman will have to return to his station, perhaps three or four miles distant, and the life-saving crew draw the apparatus or surfboat through the sand or over bad roads to where your vessel is stranded.



Lights on the beach will indicate their arrival, and the sound of cannonfiring from the shore may be taken as evidence that a line has been fired across your vessel. Therefore upon hearing the cannon make strict search aloft, fore and aft, for the shot line, for it is almost certain to be there. Though the movements of the life-saving crew may not be perceptible to you, owing to the darkness, your ship will be a good mark for the men experienced in the use of the wreck gun, and the first shot seldom fails.

#### RECAPITULATION.

Remain by the wreck until assistance arrives from the shore unless your vessel shows signs of immediately breaking up.

If not discovered immediately by the patrol, burn rockets, flare-up or other lights, or, if the weather be foggy, fire guns.

Take particular care that there are no turns of the whip line round the hawser before making the hawser fast.

Send the women, children, helpless persons, and passengers ashore first.

Make yourself thoroughly familiar with these instructions, and remember that on your coolness and strict attention to them will greatly depend the chances of success in bringing you and your people safely to land.

The difficulties of rescue by operations from the shore are greatly increased in cases where the anchors are let go *after entering the breakers*, as is frequently done, and the chances of saving life correspondingly lessened.

## DIRECTIONS FOR RESTORING THE APPARENTLY DROWNED.

**RULE I.** *Arouse the patient.*—Unless in danger of freezing, do not move the patient, but instantly expose the face to a current of fresh air, wipe dry the mouth and nostrils, rip the clothing so as to expose the chest and waist and give two or three quick smarting slaps on the stomach and chest with the open hand. If, however, there is reason to believe that considerable time has elapsed since the patient became insensible, do not lose further time by practicing Rule I, but proceed immediately to Rule II. After loosening clothing, etc., if the patient does not revive, then proceed thus:

**RULE II.** *To expel water, etc., from the stomach and chest.* (See Fig. I.)—If the jaws are clenched, separate them,



FIG. I. Showing the first steps taken, by which the chest is emptied of air, and the ejection of any fluids swallowed is assisted.

and keep the mouth open by placing between the teeth a cork or small bit of wood; turn the patient on the face, a large bundle of tightly-rolled clothing being placed beneath the stomach, and press heavily over it for a half minute, or so long as fluids flow freely from the mouth.

**RULE III.** *To produce breathing.* (See Fig. II.)—Clear the mouth and throat of mucus by introducing into the

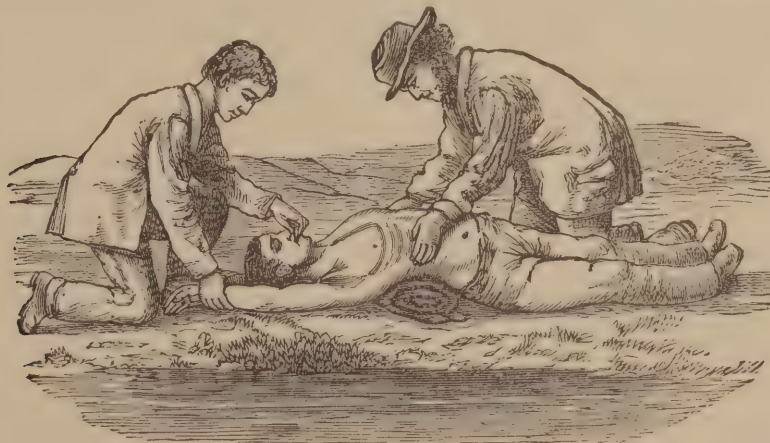


FIG. II. Showing the position and action of the operator in alternately producing artificial expiration and inspiration of air.

throat the corner of a handkerchief wrapped closely around the forefinger; turn the patient on the back, the roll of clothing being so placed beneath it as to raise the pit of the stomach above the level of any other part of the body. If there be another person present, let him, with a piece of dry cloth, hold the tip of the tongue out of one corner of the mouth (this prevents the tongue from falling back and choking the entrance to the windpipe), and with the other



hand grasp both wrists and keep the arms forcibly stretched back above the head, thereby increasing the prominence of the ribs, which tends to enlarge the chest. The two last-named positions are not, however, absolutely essential to success. Kneel beside or astride the patient's hips, and with the balls of the thumbs resting on either side of the pit of the stomach, let the fingers fall into the grooves between the short ribs, so as to afford the best grasp of the waist. Now, using your knees as a pivot, throw all your weight forward on your hands, and at the same time squeeze the waist between them, as if you wished to force everything in the chest upward out of the mouth; deepen the pressure while you can count slowly one, two, three; then suddenly let go with a final push, which springs you back to your first kneeling position. Remain erect on your knees while you can count one, two, three; then repeat the same motions as before at a rate gradually increased from four or five to fifteen times in a minute, and continue thus this bellows movement with the same regularity that is observable in the natural motions of breathing which you are imitating. If natural breathing be not restored after a trial of the bellows movement for the space of three or four minutes, then turn the patient a second time on the stomach, as directed in Rule II, rolling the body in the opposite direction from that in which it was first turned, for the purpose of freeing the air passages from any remaining water. Continue the artificial respiration from one to four hours, or until the patient breathes, according to Rule III; and for a while, after the appearance of returning life, carefully aid the first short gasps until deepened into full breaths. Continue the drying and rubbing, which should have been unceasingly practiced from the beginning by the assistants, taking care not to interfere with the means employed to produce breathing. Thus the limbs of the patient should be rubbed, always in an upward direction toward the body, with firm grasping pressure and energy, using the bare hands, dry flannels, or handkerchiefs, and continuing the friction under the blankets or over the dry clothing. The warmth of the body can also be promoted by the application of hot flannels to the stomach and armpits, bottles or bladders of hot water, heated bricks, etc., to the limbs and soles of the feet.

RULE IV. AFTER-TREATMENT.—*Externally*: As soon as breathing is established, let the patient be stripped of all wet clothing, wrapped in blankets only, put to bed comfortably warm, but with a free circulation of fresh air, and left to perfect rest. *Internally*: Give whisky or brandy and hot water in doses of a teaspoonful to a tablespoonful, according to the weight of the patient, or other stimulant at hand, every ten or fifteen minutes for the first hour, and as often thereafter as may seem expedient. *Later manifestations*: After reaction is fully established there is great danger of congestion of the lungs, and if perfect rest is not maintained for at least forty-eight hours, it sometimes occurs that the patient is seized with great difficulty of breathing, and death is liable to follow unless immediate relief is afforded. In such cases apply a large mustard-plaster over the breast. If the patient gasps for breath before the mustard takes effect, assist the breathing by carefully repeating the artificial respiration.

NOTE.—Dr. Labordette, the Supervising Surgeon of the Hospital of Lisieux, in France, appears to have established that the clenching of the jaws and the semicontraction of the fingers, which have hitherto been considered signs of death, are, in fact, evidences of remaining vitality. After numerous experiments with apparently drowned persons, and also with animals, he concludes that these are only signs accompanying the first stage of suffocation by drowning, the jaws and hands becoming relaxed when death ensues.\* This being so, the mere clenching of the jaws and semicontraction of the hands must not be considered as reasons for the discontinuance of efforts to save life, but should serve as a stimulant to vigorous and prolonged efforts to quicken vitality. Persons engaged in the tasks of resuscitation are, therefore, earnestly desired to take hope and encouragement for the life of the sufferer from the signs above referred to, and to continue their endeavors accordingly. In a number of cases Dr. Labordette restored to life persons whose jaws were so firmly clenched that, to aid respiration, their teeth had to be forced apart with iron instruments.

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\*The muscular rigidity of death (*rigor mortis*) occurs later, after temporary relaxation here referred to.

# OFFICIAL LOG-BOOK.

Number of Ship.	Official Number.	Port of Registry.	Registered Tonnage.	Name of Master.	No. of his Certificate (if any).
J. S. P. K.	80665	Twin Beaford Mass.	303 1/2 288 1/2	Higgins	

Date of commencement of the voyage: May 1908

Nature of the voyage or employment: Whaling

Date of the end of the voyage:



*Index to Entries in Official Log-Book.*

ENTRIES.	Reference to any page in which the various entries appear.
1. Conviction of any Member of Crew and Punishment .....	
2. Offense committed by Member of Crew for which it is intended to prosecute or to enforce a Forfeiture, together with such statement concerning the reading over such entry, and concerning the reply (if any) made to the charge as hereinbefore required .....	
3. Offense for which Punishment has been inflicted on board, and the punishment inflicted .....	
4. Statement of the conduct, character, and qualifications of each Member of the Crew .....	
5. Illness or injury that has happened to any Member of Crew, the nature thereof, and the medical treatment adopted (if any) .....	
6. Death that has happened on board, and cause thereof .....	
7. Birth that has happened on board, the sex of the infant, and the name of the parents .....	
8. Marriage that has taken place on board, the names and ages of the parties .....	
9. Name of Seaman or Apprentice who has ceased to be a Member of the Crew, otherwise than by death, with the place, time, manner, and cause thereof .....	
10. Wages due to any Seaman or Apprentice who has died during the voyage, and the gross amount of all deductions to be made therefrom .....	
11. Deductions of Wages .....	
12. Sale of the Effects of any Seaman or Apprentice who has died during the voyage, including a statement of each article sold and the sum received for it .....	
13. Survey of Provisions and Water .....	

*List of Crew and Report of Character.*

\* V. G. for "Very good;" G. "Good;" M. "Middling;" and I. "Indifferent." The master may also insert particulars of ability or conduct; thus, "*Helm*" good, or "*Sobriety*" indifferent. If he declines giving any opinion he must so state opposite the man's name.

If there is any entry in the Log relating in any way to the Crew, the page or pages in the Log where the entry is to be found should be written in the column opposite the man's name.



## List of Crew and Report of Character.

Christian and Surname (at length) of each person.	Capacity engaged.	Report of character.*		See page.
		Conduct.	Ability.	
Benjamin A. Higgins	Master			
Charles W. Smith	Master			
John A. Jones	2 <sup>nd</sup> Mate			
Charles Degeats	3 <sup>rd</sup> Mate			
Maurice Fern	Boat Hailer			
Maurice Rogers	Boat Hailer			
Charles Mc Donnell	do			
Antoine Parnes	do			
Frank Duarte	do			
Arthur Sousa	Seaman			
Manuel A. Sousa	Cook			
Philip Mantel	Steward			
Freeman Telka	Engineer	Bad	W	48
Antoine Arcelos	Seaman			
Manuel Mantel	"			
William M. Castro	"			
Manuel Gomes	"			48
Antoine Santos	"			
Andrie D. Pina	"			
Carl de Barros	"			
Genio Lopez	"			
John H. Whitten	"			
Henry Richards	"			
James Worthan	"			47

\* V. G. for "Very good;" G. "Good;" M. "Middling;" and I. "Indifferent." The master may also insert particulars of ability or conduct; thus, "Helm" good, or "Sobriety" indifferent. If he declines giving any opinion he must so state opposite the man's name.  
If there is any entry in the Log relating in any way to the Crew, the page or pages in the Log where the entry is to be found should be written in the column opposite the man's name.

*List of Crew and Report of Character.*

[illegible]

\* V. G. for "Very good;" G. "Good;" M. "Middling;" and I. "Indifferent." The master may also insert particulars of ability or conduct; thus, "*Helm*" good, or "*Sobriety*" indifferent. If he declines giving any opinion he must so state opposite the man's name.  
If there is any entry in the Log relating in any way to the Crew, the page or pages in the Log where the entry is to be found should be written in the column opposite the man's name.



Bk. Wanderer sailed from New York 10th Sept 1880  
 Thomas H Jenkins Master

32

List of Crew and Report of Character.

Christian and Surname (at length) of each person.	Capacity engaged.	Report of character.*		See page.
		Conduct.	Ability.	
Maurice John	Grate			
John Andrews	2 <sup>d</sup> Mate	<del>Sailed</del>		
Ceazar Delgado	3 <sup>d</sup> Mate	<del>Discharged</del>		
Marcus Lopez	4 <sup>th</sup> Mate			
Jose Smith	Boatman	<del>Discharged</del>		
Mary O'Neil	"	<del>Sailed</del>		
Serathina Cruise	"			
Antone Kumar	"			
Edward Thomas	Cook			
George Wallace	Forward			
Fred Miller	Cooper	<del>sick</del>	<del>discharged</del>	
Charles Bennett	Steward			
Adriano Arrese	"	<del>sick</del>	<del>discharged</del>	
Nicholas Spitz	"			
Stephen Gifford	"			
Antone Andread	"			
Andrad P. Morier	"			
Gerafene John Fote				
Manuf. Zornik	"			
+ Jerome Lopez	"			
Jon Duart	"			
Antone Thepotar	"			
Manuel M. Duart				
Garoh A. Jenkins	Manager			

\*V. G. for "Very good;" G. "Good;" M. "Middling;" and I. "Indifferent." The master may also insert particulars of ability or conduct; thus, "Helm" good, or "Sobriety" indifferent. If he declines giving any opinion he must so state opposite the man's name.  
 If there is any entry in the Log relating in any way to the Crew, the page or pages in the Log where the entry is to be found should be written in the column opposite the man's name.

*List of Crew and Report of Character.*

[illegible]

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If there is any entry in the Log relating in any way to the Crew, the page or pages in the Log where the entry is to be found should be written in the column opposite the man's name.



Bk. Wanderer Sailed from Dominica May 8. 1911.  
 L.A. Mosher  
 Master. 34

List of Crew and Report of Character.

Christian and Surname (at length) of each person.	Capacity engaged.	Report of character.*		See page.
		Conduct.	Ability.	
Maurice John	1st mate			
John Andrews	2nd "			
Cecilio M. Delgado	3rd "			
Manuel Lopez	4th "			
Fred M. Muller	Cooper.			
Henry O'Neill	B.S.			
Seraphim Cruz	"			
Antonio Ramos	"			
Jose Brito	"			
Geo Wallace	Steward			
Edward Thomas	Cook			
Matthew Thomas	Boy			
Henry P. Morris	seaman			
Charles Bennet	"			
Antone T. Duarte	"			
Antone P. Duarte	"			
Antone B. Lopez	"			
Serephine Foote	"			
Joseph Duarte	"			
Antone Andrade	"			
Manuel Duarte	"			
Serephine Dennis	"			
Manuel Frank	"			
Manuel F. Soares	"			

\* V. G. for "Very good;" G. "Good;" M. "Middling;" and I. "Indifferent." The master may also insert particulars of ability or conduct; thus, "Helm" good, or "Sobriety" indifferent. If he declines giving any opinion he must so state opposite the man's name.  
 If there is any entry in the Log relating in any way to the Crew, the page or pages in the Log where the entry is to be found should be written in the column opposite the man's name.

*List of Crew and Report of Character.*

[illegible]

11-520

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*List of Crew and Report of Character.*

[illegible]

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If there is any entry in the Log relating in any way to the Crew, the page or pages in the Log where the entry is to be found should be written in the column opposite the man's name.

*List of Crew and Report of Character.*

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OFFICIAL LOG of the

*Barb Warden*

from

Date of the Occurrence entered, with Day and Hour.	Place of the Occurrence, or Situation by Latitude and Longitude at Sea.	Entries required by Act of Congress.	Amount of any Fine or Forfeiture inflicted.
April 22 <sup>nd</sup>	Left New Bedford for sea		
" 25 <sup>th</sup>	found a <i>Honusman</i>		
	Manuel Almeida of New Bedford 22 years old		
	Ship's position unknown and leaving		
	Distance 38 miles. Put him to work with		
	Crew		
	Benjamin J. Higgin master		
	Charles W. Smith		
April 23	Edward Sick reported himself sick reported himself sick went to see him found him sick with Consumption and he was fed out of a Consumption Ward in a Hospital He had come to sea thinking it would do him good found out of his local badly swollen said he had a kick reduced the swelling by applying cold salt-baths + gave him Sassafras + bark for this disease		
	Benjamin master Charles W. Smith mate		
	Edward Sick second seaman		

N. B.—Every entry in this log-book required by the act must be signed by the master and by the mate or some other of the crew; and every entry of any seaman or apprentice who has died must be signed by the master and by the mate and some other member of the crew.

New Bedford

towards

Steam

Date of the Occurrence entered, with Day and Hour.	Place of the Occurrence, or Situation by Latitude and Longitude at Sea.	Entries required by Act of Congress.	Amount of any Fine or Forfeiture inflicted.
Mar 30 <sup>th</sup>	James Warden	did not come out Deck in his water when the vessel spoke to him in the morning & said he would do as he went a kind of look & work but I don't but one wheel a day & if the mate backed him the would like him. we could not let a sailor run the ship so we made him take the wheel. we know about more at all trouble with him on the Vayage. He takes clothing or anything the other sailors want & if they say anything he wants to be paid when he is a very bad man among the crew made him stop on Deck his water below & set him to work repairing Iron work	
		B. & B. in mast	
		Charles W. Smith mast	
		Richmond Seaman	



OFFICIAL LOG of the Bank Warden from

Date of the Occurrence entered, with Day and Hour.	Place of the Occurrence, or Situation by Latitude and Longitude at Sea.	Entries required by Act of Congress.	Amount of any Fine or Forfeiture inflicted.
<p>July 23<sup>d</sup></p>	<p>Freeman Pelka Engineer. Had a          I got a bit of Burnesshoe when          and one gave him the proper mede-          cine &amp; stopped it. But always after          since he was sick &amp; could not          work. His <sup>up</sup> influence was however          very pleasant &amp; pure himself. His duty          consists of looking out for the Engine          &amp; the Pump. He has always          gave him a man to do all the          hand work but the 22 he said he          would not work. I let him to work          &amp; told him I did not want him          to work hard but I wanted him to          see the work done right. Said he would          not. But he would always eat a early meal          Benjamin &amp; Higgins Master          Charles V. Smith Mate          L. J. P. 12-22-12</p>		

New Bedford

towards

St Michael Moore

Date of the Occurrence entered, with Day and Hour.	Place of the Occurrence, or Situation by Latitude and Longitude at Sea.	Entries required by Act of Congress.	Amount of any Fine or Forfeiture inflicted.
July 26			
<p>Manuel Goomer taken worse. Has been sick with a bad cough ever since we left Home. He was taken out of a Hospital by a boarding <sup>master</sup> &amp; put on board went in a Boat once after whales then stopped him &amp; he has done nothing since but he has grown worse we have tried all kinds of medicine but nothing seems to do him any good. took him off on the deck House &amp; kept him on diet of Beef &amp; <sup>meat</sup> &amp; butter</p>			
<p>We think it was caused by going in the Boat &amp; getting wet. &amp; has worked into Consumption. I have seen Blake sitting in Consumption an infusion of bark but he is still growing worse. He has a very rough game &amp; his cough deep but he is still getting worse</p>			



OFFICIAL LOG of the *Bk Handwerker of New Bedford* from

Date of the Occurrence entered, with Day and Hour.	Place of the Occurrence, or Situation by Latitude and Longitude at Sea.	Entries required by Act of Congress.	Amount of any Fine or Forfeiture inflicted.
1910 Aug 27 Th	Lat. 35° 15' N Lon 42° 00' W	Jerome Laps died at 2.30 this morning been sick with consumption since leaving home we have had him aft in the house on deck and have done every thing we could to make him comfortable. He has had two Hemorrhage, the last one this morning took him off very quickly.	
		J. H. Jenkins	
1910 Nov 10	at strinant cape verd	Manoel Frank left the ship without permission at between the hours of 5 and 8 P.M. and stayed on shore all night came on board next morning at half past seven for which I fine him ten dollars	
		Thomas McKenzie Master Mr Johns first mate John <sup>his</sup> Andrews sec mate overst	

St Helena

towards

Date of the Occurrence entered, with Day and Hour.	Place of the Occurrence, or Situation by Latitude and Longitude at Sea.	Entries required by Act of Congress.	Amount of any Fine or Forfeiture inflicted.
Aug 25. 1912	Lat. 34-54 N Long. 5-30 W	Antone B Lopes, seaman, died at 4.15 A.M. He was struck by a whale's flukes last night about 9.30 P.M. Got him on board as soon as possible. His chest was broken in and he was bleeding from the lungs. He never came to after being struck. Buried him at 8 o'clock this morning. Manuel Francisco Soares seaman had his back badly injured by the same whale, and was in considerable pain when brought aboard, but is resting more comfortably at present. Made him a bed in the after cabin.	
		L. A. Fisher. Master. Maurice John 1st officer. Henry J. Peters Boathead	
Aug. 30.	Lat 36-30 N Long 38-46 W	Sold clothing of Antone B Lopes at auction. He had 1 pair new pants, 1 pair old pants, a cap and a few other things. Total amount received \$1.70	
1 pair pants 70	Antone de Souza	Maurice John 1st mate	
1 " " 75	Antone Peter Duarte	Henry J. Peters Boathead	
1 cap 25			



Bk. Handerer, Horta Harbor, Fayal <sup>in account with</sup> Sept. 22, 1912. 9h A.M.

SLOP ACCOUNT.	CASH ACCOUNT.
<p>Antone Andrade, <sup>seaman</sup> having overstayed his leave on shore came on board this morning. Put him in irons and confined him in the house on deck aft.</p>	
<p>Horta Fayal Sept. 24 9-30 A.M.</p>	
<p>Antone Andrade released from irons.</p>	
<p>L.A. Mosher, Master.</p>	
<p>Maurice John 1st mate</p>	
<p>Henry J. Peters Boathead</p>	

I acknowledge having received the articles and cash as charged above.

WITNESS:

Master.

Bk. Handerer at sea Sept. 25. <sup>Lat. 38-56 N</sup>  
<sup>Long. 29-02 W</sup>  
 in account with

SLOP ACCOUNT.	CASH ACCOUNT.
<p>John Reis, seaman, was given work on deck in his watch below for overstaying leave on shore at Fayal. He was ordered to clean ironwork, and when he received his orders, was saucy and disrespectful, to the officer in charge. Confined him in irons at 1h P.M. and released him at 6-30 P.M. on his request to be allowed to work, and his promise to behave.</p>	
<p>L.A. Mosher, Master</p>	

I acknowledge having received the articles and cash as charged above.

WITNESS:

Master.

Maurice John 1st mate  
 Henry J. Peters Boathead

Bk Wanderer. Lat. 40-04 N  
Long 32-56 W

CASH ACCOUNT.

Sept. 28. Bk Wanderer sailed from Loyal Sept 24, 1912 at 3-30 P.M.  
This morning found a stowaway on board. Gave  
his name as Fernando Harris. Put him to  
work with the crew.

L. A. Mosher. Master  
Maurice & John Istimate  
Henry & Peters Boardheader

*I acknowledge having received the articles and cash as charged above.*

WITNESS:

*Master.*

*in account with*

CASH ACCOUNT.

11—520

*I acknowledge having received the articles and cash as charged above.*

WITNESS:

*Master.*



in account with

*I acknowledge having received the articles and cash as charged above.*

WITNESS:

in account with

*I acknowledge having received the articles and cash as charged above.*

WITNESS:

*in account with*

*I acknowledge having received the articles and cash as charged above.*

WITNESS:

*Master.*

*in account with*

*I acknowledge having received the articles and cash as charged above.*

WITNESS:

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Master.





